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fund captive propagation programs for the purpose of protecting or conserving any species that is determined under section 4 to be an endangered species or a threatened species, if the Secretary determines that such a program contributes to enhancement of the population of the species.".

SEC. 506. INTRODUCTION OF SPECIES.

Section 10(j) (16 U.S.C. 1539(j)) is amended—

(1) by amending paragraph (2)(B) to read as follows:

"(B) Before authorizing the release of any population under subparagraph (A), the Secretary shall by regulation identify the population and the precise boundaries of the geographic area for the release and determine, on the basis of the best available information, whether the release is in the public interest, whether or not such population is essential to the continued existence of an endangered species or a threatened species.";

(2) in paragraph (2)(C)—

(A) in clause (i) by striking "and" after

"(ii) for the purposes of sections 4(d) and 9(a)(1)(B), any member of an experimental population found outside the geographic area in which the population is released shall not be treated as a threatened species if the member poses a threat to the welfare of the public; and

"(iii) critical habitat shall not be designated under this Act for any experimental population determined under subparagraph (B) to be not essential to the continued existence of a species.";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph:

"(3) REQUIREMENTS FOR RELEASES.—In authorizing the release of a population under paragraph (2), the Secretary shall require that—

"(A) to the maximum extent practicable, the release occurs only in a unit of the National Park System or the National Wildlife Refuge System;

"(B) a release outside a unit occurs only in an area that has been identified as a candidate

site for release of the population in a conservation plan for the species;

"(C) in the case of a release outside a unit, measures to protect the safety and welfare of the public and domestic animals and the funding for the measures are identified in the regulations authorizing the release and are implemented;

"(D) the regulations authorizing the release identify precisely the geographic area for the release;

"(E) a release on non-Federal land occurs only with the written consent of the owner of the land; and

"(F) the regulations authorizing the release include measurable reintroduction goals to restore viable populations only within the specific geographic area identified for release in the regulations.".

SEC. 507. CONSERVING THREATENED SPECIES.

(a) REGULATIONS.—Section 4(d) (16 U.S.C. 1533(d)) is amended to read as follows:

"(d) REGULATIONS TO PROTECT THREATENED SPE-

concurrently with the regulation that provides for the listing of the species, such regulations as the Secretary deems necessary and advisable to provide for the conservation of such species. Such regulations may apply to the threatened species one or more of the prohibitions under section 9(a)(1), in the case of fish and wildlife, or section 9(a)(2) in the case of plants, with respect to endangered species. The prohibition applied to the threatened species shall address the specific circumstances of such species and may not be as restrictive as such prohibition for endangered species. With respect to the taking of resident species of fish or wildlife, such regulations shall apply in any State which has entered into a cooperative agreement pursuant to section 6(c) only to the extent that such regulations have also been adopted by such State.".

(b) CONFORMING AMENDMENTS.—Section 4 (16 U.S.C. 1533) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g), (h), and (i) in order as subsections (f), (g), and (h).

(c) CONSERVATION GUIDELINES.—Section 4 is amended in subsection (g), as redesignated by subsection (b)(2) of this section, by amending paragraph (3), as redesignated by section 304(b)(2) of this Act, to read as follows:

"(3) a system for developing and implementing, on a priority basis, conservation objectives and conservation plans. The Secretary shall provide to the public notice of, and opportunity to submit written comments on, any guideline (including any amendment thereto) proposed to be established under this subsection.".

TITLE VI—HABITAT PROTECTIONS

SEC. 601. FEDERAL BIOLOGICAL DIVERSITY RESERVE.

Section 5A, as redesignated by section 501 of this Act, is amended to read as follows:

"SEC. 5A. PROTECTION OF HABITAT.

"(a) ESTABLISHMENT OF NATIONAL BIOLOGICAL DIVERSITY RESERVE.—

"(1) IN GENERAL.—There is hereby established a Nat.. al Biological Diversity Reserve (hereinafter in this Act referred to as the 'Reserve'). The Reserve shall be composed of units of Federal and State lands designated in accordance with paragraph (2) and managed in accordance with paragraph (3).

"(2) DESIGNATION OF RESERVE UNITS.—(A) Not later than 18 months after the date of enactment of the Endangered Species Conservation and Management Act of 1995, the Secretary of the Inte-

rior and the Secretary of Agriculture shall designate to the Reserve by regulation those units of the national conservation systems which are within the jurisdiction of the Secretary concerned and which the Secretary determines would contribute to the protection, maintenance, and enhancement of biological diversity in accordance with the provisions of this Act. The term 'national conservation systems' means wholly federally owned lands within the National Park System, the National Wildlife Refuge System, or the National Wilderness Preservation System, and wild segments of rivers within the National Wild and Scenic Rivers System.

"(B) The Secretary of the Interior shall—

"(i) designate to the Reserve by regulation a unit of State-owned lands if such unit is nominated for designation by the Governor of the State and is managed under State law in accordance with paragraph (3);

"(ii) designate to the Reserve by regulation privately owned land that is nominated for designation by the owner of the land, and shall remove such land from the Reserve if the owner requests removal;

"(iii) remove from the Reserve by regulation any unit designated pursuant to clause (i) which the Secretary finds is not managed under State law in accordance with paragraph (3); and

"(iv) remove from the Reserve any State-owned lands at the request of the Governor of that State.

"(C) Designation of a Reserve unit shall not affect any valid existing permit, right, right-of-way, access, interest in land, right to use or receive water, or property right.

"(3) MANAGEMENT OF THE RESERVE.—(A) Each unit of the Reserve shall have as an objective for the management thereof the preservation, maintenance, and enhancement of biological diversity. Such objective shall be supplementary to any other objective established for such unit by or pursuant to any provision of law applicable to such unit. Each such unit shall be managed in accordance with such objective to the extent that such objective is not inconsistent with the purpose for which the unit was

"(B) The manager of each Reserve unit should consistent with paragraph (4) utilize his authority to use active management and recovery measures, including those specified in section 5(b)(2)(A)(vi), and shall conduct a survey to determine the populations of species within the Reserve.

"(C) Nothing in this Act shall—

"(i) alter, establish, or affect the respective rights of the United States, the States, or any person with respect to any water or water-related right; or

"(ii) affect the laws, rules, and regulations pertaining to hunting, fishing, and other lawful wildlife harvest under existing State and Federal laws and Indian treaties.

"(D) Within 1 year of the designation of a unit to the Reserve, the manager of such unit shall complete, and the Secretary concerned shall make available to the public by notice in the Federal Register, an inventory of the species composing the biological diversity within such unit.

"(4) OTHER FEDERAL LANDS.—Nothing in this Act shall be construed as limiting the authority of the Secretary of the Interior or the Secretary of Agriculture to take such actions as are necessary and

authorized by other law to protect, maintain, and enhance biological diversity on other Federal lands not designated to the Reserve except that, before taking any such action, the Secretary concerned shall make a finding based on the best available scientific and commercial data, that the biological diversity for which such action is proposed is not protected, maintained, or enhanced in whole or substantial part on any unit of the Reserve. Such finding shall be published, along with the reasons therefor in the Federal Register.".

SEC. 602. LAND ACQUISITION.

Section 5A, as redesignated by section 501 of this Act and as amended by section 601 of this Act, is amended by adding at the end the following new subsection:

"(b) LAND ACQUISITION.—

"(1) PROGRAM.—The Secretary, and the Secretary of Agriculture with respect to the National Forest System, shall establish and implement a program to conserve fish, wildlife, and plants, including those which are determined to be endangered species or threatened species pursuant to section 4. To carry out such a program, the appropriate Secretary—

"(A) shall utilize the land acquisition and other authority under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), and the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.), as appropriate; and

"(B) is authorized to acquire by purchase, lease, donation, or otherwise, lands, waters, or interest therein, including short- or long-term conservation easements, and such authority shall be in addition to any other land acquisition authority vested in that Secretary.

"(2) AVAILABILITY OF FUNDS FOR ACQUISITION OF LANDS, WATER, ETC.—Funds made available pursuant to the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.) may be used for the purpose of acquiring or leasing lands, waters, or interests therein under subsection (a) of this section.".

SEC. 603. PROPERTY EXCHANGES.

Section 5A, as redesignated by section 501 of this Act and as amended by sections 601 and 602 of this Act, is amended by adding at the end the following new subsections:

"(c) EXCHANGES.—

"(1) IN GENERAL.—In accordance with subsection (a), the Secretary of the Interior and the Secretary of Agriculture shall encourage exchanges of lands, waters, or interests in land or water within the jurisdiction of each Secretary (other than units of the National Park System and units of the National Wilderness Preservation System) for lands, waters, or interests in land or water that are not in Federal ownership and that are affected by this Act.

"(2) TIMING OF EXCHANGES.—An exchange under this subsection may be made if the Secretary of the Interior or the Secretary of Agriculture determines, without a formal appraisal, that the lands to be exchanged are of approximately equal value.

"(3) ENVIRONMENTAL ASSESSMENT.—An environmental assessment shall be the only document under section 102(2) of the National Environmental Policy Act of 1976 (16 U.S.C. 4332(2)) that shall be prepared with respect to any exchange under this subsection.

"(4) EXPEDITIOUS EXCHANGE DECISIONS.—An exchange under this subsection shall be processed as

cally provide information to the non-Federal landowner on the status of the exchange.

"(5) APPLICABLE LAW.—The Secretary of the Interior and the Secretary of Agriculture shall process exchanges under this subsection in accordance with applicable laws that are consistent with this subsection.

"(d) VALUATION.—Any land, water, or interest in land or water to be acquired by the Secretary or the Secretary of Agriculture by purchase, exchange, donation, or otherwise under this section shall be valued as if the land, water, or interest in land or water were not subject to any restriction on use under this Act imposed after the date of acquisition by the current owner of the land, water, or interest in land or water.

"(e) ____.—For any land or water acquired by the Secretary or the Secretary of Agriculture by purchase, exchange, lease, donation or otherwise under this section, the Secretary or Secretary of Agriculture shall ensure that such purchase, exchange, lease, donation, or other transfer shall not supersede, abrogate, or otherwise impair existing easements, rights-of-way, fencing, water sources, water delivery lines or ditches, and current uses of adjacent land.".

TITLE VII—STATE AUTHORITY TO PROTECT ENDANGERED AND THREATENED SPECIES

SEC. 701. STATE AUTHORITY.

(a) IN GENERAL.—Section 6 (16 U.S.C. 1535) is amended by striking subsection (c) and all that follows through subsection (f) and inserting the following:

"(c) STATE AUTHORITY TO PROTECT ENDANGERED AND THREATENED SPECIES.—

"(1) DELEGATION OF AUTHORITY.—In furtherance of the purposes of this Act, the Secretary may delegate to a State which establishes and maintains an adequate program for the conservation of endangered species and threatened species the authority contained in this Act with respect to species of fish, wildlife, and plants that are residents in the State. Within 120 days after the Secretary receives a certified copy of such a proposed State program, the Secretary shall make a determination whether such program will be adequate to provide protections to endangered species and threatened species in such State. In order for a State program to be determined to be an adequate program for the conser-

the Secretary must find that under the State program—

"(A)(i) authority resides in the State agency to conserve resident species of fish or wildlife determined by the State agency or the Secretary to be endangered species or threatened species;

"(ii) the State agency has established acceptable conservation programs, consistent with the purposes and policies of this Act, for all resident species of fish or wildlife in the State which are deemed by the Secretary to be endangered species or threatened species or for those species or taxonomic groups of species which the State proposes to cover under its program, and has furnished a copy of such plan and program together with all pertinent details, information, requested to the Secretary;

"(iii) the State agency is authorized to conduct investigations to determine the status and requirements for survival of resident species of fish and wildlife;

"(iv) an agency of the State is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein,

for the conservation of resident endangered species or threatened species of fish or wildlife;

"(v) provision is made for public participation in designating resident species of fish or wildlife as endangered species or threatened species; and

"(vi) the State agency has initiated or encouraged voluntary or incentive based programs to further the conservation objectives for the species; or

"(B)(i) the requirements set forth in clauses (iii), (iv), and (v) of subparagraph (A) are complied with, and

"(ii) plans are included under which immediate attention will be given to those resident species of fish and wildlife which are determined by the Secretary or the State agency to be endangered species or threatened species and which the Secretary and the State agency agree are most urgently in need of conservation programs.

"(2) PROHIBITIONS NOT AFFECTED.—A delega-

pursuant to section 4(d) or section 9(a)(1) with respect to the taking of any resident endangered species or threatened species in the State.

"(d) ALLOCATION OF FUNDS.—

"(1) FINANCIAL ASSISTANCE.—The Secretary may provide financial assistance to any State, through its respective State agency, which has received delegation pursuant to subsection (c) of this section to assist in development of programs for the conservation of endangered species and threatened species or to assist in monitoring the status of candidate species pursuant to subparagraph (C) of section 4(b)(3) and recovered species pursuant to section 4(f). The Secretary shall allocate each annual appropriation made in accordance with subsection (i) to such States based on consideration of—

"(A) the international commitments of the United States to protect endangered species or threatened species;

"(B) the readiness of a State to proceed with a conservation program consistent with the objectives and purposes of this Act;

"(C) the number of endangered species and threatened species within a State;

"(D) the potential for restoring endangered species and threatened species within a State;

"(E) the relative urgency to initiate a program to restore and protect an endangered species or threatened species in terms of survival of the species;

"(F) the importance of monitoring the status of candidate species within a State to prevent a significant risk to the well-being of any such species; and

"(G) the importance of monitoring the status of recovered species within a State to assure that such species do not return to the point at which the measures provided pursuant to this Act are again necessary.

So much of the annual appropriation made in accordance with subsection (i) allocated for obligation to any State for any fiscal year as remains unobligated at the close thereof may be made available to that State until the close of the succeeding fiscal year. Any amount allocated to any State which is

for expenditure by the Secretary in conducting programs under this section.

"(2) CONTENTS OF DELEGATION AGREEMENT.—Such delegation shall provide for—

"(A) the actions to be taken by the Secretary and the States;

"(B) the benefits that are expected to be derived in connection with the conservation of endangered species or threatened species;

"(C) the estimated cost of these actions; and

"(D) the share of such costs to be borne by the Federal Government and by the States; except that—

"(i) the Federal share of such program costs shall not exceed 75 percent of the estimated program cost stated in the agreement; and

"(ii) the Federal share may be increased to 90 percent whenever two or more States having a common interest in one or more endangered species or threatened species, the conservation of which may be enhanced by cooperation of such

States, enter jointly into an agreement with the Secretary.

The Secretary may, in the Secretary's discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon in the cooperative agreement. For the purposes of this section, the non-Federal share may, in the discretion of the Secretary, be in the form of money or real property, the value of which will be determined by the Secretary, whose decision shall be final.

"(3) COMPLIANCE WITH PROCEDURES.—In implementing this Act under authority delegated to a State by the Secretary, the State shall comply with all requirements, prohibitions, and procedures set forth by this Act.

"(e) REVIEW OF STATE PROGRAMS.—Any action taken by the Secretary under this section shall be subject to his periodic review at no greater than intervals of 5 years.

"(f) CONFLICTS BETWEEN FEDERAL AND STATE LAWS.—Any State law or regulation which applies with

"(1) permit what is prohibited by this Act or by any regulation which implements this Act, or

"(2) prohibit what is authorized pursuant to an exemption or permit provided for in this Act or in any regulation which implements this Act. This Act shall not otherwise be construed to void any State law or regulation which is intended to conserve migratory, resident, or introduced fish or wildlife, or to permit or prohibit sale of such fish or wildlife. Any State law or regulation respecting the taking of an endangered species or threatened species may be more restrictive than the exemptions or permits provided for in this Act or in any regulation which implements this Act.".

(b) CONFORMING AMENDMENT.—Section 6(g)(2)(A) (16 U.S.C. 1535(g)(2)(A)) is amended to read as follows:

"(A) to which the Secretary has delegated authority under subsection (c); or".

SEC. 702. STATE PROGRAMS AFFECTED BY THE CONVENTION.

Section 8A (16 U.S.C. 1537a), as amended by section 207(b) of this Act, is amended by adding at the end the following new subsection:

"(h) ISSUANCE OF PERMITS FOR EXPORT.—

"(1) COMPLIANCE WITH STATE RECOMMENDATION.—In any instance in which a State has a program for management of a native species which is the subject of a request for an export permit under the Convention, the Secretary shall act in accordance with the recommendation of the State unless the Secretary makes a finding and publishes a notice in the Federal Register that scientific evidence justifies a conclusion contrary to the advice of the State.

"(2) APPEAL.—The State which is the subject to such a finding, or any person in that State directly affected because of inability to obtain a permit, may appeal the finding to an Administrative Law Judge or a court. The burden shall be on the Secretary to show that the evidence supports a finding contrary to the recommendation of the State.".

TITLE VIII—FUNDING OF CONSERVATION MEASURES

SEC. 801. AUTHORIZING INCREASED APPROPRIATIONS.

Section 15 (16 U.S.C. 1542) is amended to read as follows:

"SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

sections (b) through (e), there are authorized to be appropriated—

"(1) to the Department of the Interior to carry out the duties of the Secretary of the Interior under this Act $110,000,000 for fiscal year 1996, $120,000,000 for fiscal year 1997, $130,000,000 for fiscal year 1998, $140,000,000 for fiscal year 1999, $150,000,000 for fiscal year 2000, and $160,000,000 for fiscal year 2001;

"(2) to the Department of Commerce to carry out the duties of the Secretary of Commerce under this Act $15,000,000 for fiscal year 1996, $20,000,000 for fiscal year 1997, $25,000,000 for fiscal year 1998, $30,000,000 for fiscal year 1999, $35,000,000 for fiscal year 2000, and $40,000,000 for fiscal year 2001; and

"(3) to the Department of Agriculture to carry out the duties of the Secretary of Agriculture under this Act $4,000,000 for each of fiscal years 1996 through 2001.

"(b) COOPERATIVE MANAGEMENT AGREEMENTS.—There are authorized to be appropriated to the Department of the Interior to carry out section 6(b), $20,000,000 for each of fiscal years 1996 through 2001, to remain available until expended.

"(c) CONVENTION IMPLEMENTATION.—There are authorized to be appropriated to the Department of the Interior to carry out section 8A(e) $1,000,000 for each of fiscal years 1996 through 2001, to remain available until expended.

"(d) NON-FEDERAL CONSERVATION PLANNING.—There are authorized to be appropriated to the Department of the Interior to carry out section 10(a)(2)(F) $20,000,000 for each of fiscal years 1996 through 2001, to remain available until expended.

"(e) HABITAT CONSERVATION GRANTS.—There are authorized to be appropriated to the Department of the Interior to provide habitat conservation grants under section 6(b)(14) $20,000,000 for each of fiscal years 1996 though 2001, to remain available until expended.".

SEC. 802. FUNDING OF FEDERAL MANDATES.

Section 16 is amended to read as follows:

"SEC. 16. FEDERAL COST-SHARING REQUIREMENTS FOR CONSERVATION OBLIGATIONS.

"(a) DIRECT COSTS DEFINED.—In this section, the term 'direct costs' means—

"(1) expenditures on labor, material, facilities,

"(2) increased purchase power costs and lost revenues caused by changes in the operation of a hydropower system from which the non-Federal person or Federal power marketing administration markets power to meet a specific conservation measure; and

"(3) other reimbursable costs specifically identified by the Secretary as directly related to the performance of a specific conservation measure.

"(b) COST-SHARING.—

"(1) CONSERVATION PLANS.—For any non-Federal person or Federal power marketing administration, the Secretary shall pay 50 percent of any direct costs that result from the compliance by the person or administration mandated by a conservation plan issued under section 5 or any conservation measure that provides protection to a listed species under a plan developed under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.) including a plan that provides protection to a larger population unit of the same listed species.

"(2) CONSULTATION REQUIREMENTS.—For any non-Federal person or Federal power marketing administration, the Secretary shall pay 50 percent of direct costs that result solely from requirements im-

posed by the Secretary on the person or marketing administration under section 7.

"(3) INCIDENTAL TAKE PERMITS.—For any non-Federal person issued an incidental take permit under section 10, the Secretary shall pay to such person 50 percent of the direct costs of preparing the application for the permit and implementing the terms and conditions of the permit.

"(4) COOPERATIVE MANAGEMENT AGREEMENTS.—The Secretary shall pay 50 percent of the direct costs of preparing and implementing the terms and conditions of a cooperative management agreement incurred by a party to the agreement and any costs incurred by any other non-Federal person or Federal power marketing administration subject to the terms of such agreement.

"(c) METHOD OF COST-SHARING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may make a contribution required under subsection (b) by—

"(A) providing a habitat reserve grant under section 6(b)(14);

"(C) providing appropriated funds.

"(2) COST-SHARE PAYMENT FOR FEDERAL POWER MARKETING ADMINISTRATIONS AND OTHER STATE OR LOCAL GOVERNMENTAL ENTITIES.—The Secretary shall make a contribution under subsection (b) to a Federal power marketing administration or any other State or local governmental entity by providing appropriated funds directly to the administration or governmental entity.

"(3) APPROPRIATED FUNDS.—To the maximum extent practicable, any appropriated funds paid by the Secretary under paragraphs (1) and (2) shall be paid directly (in lieu of reimbursement) to the party, person, or administration.

"(4) LOANS.—The Secretary may not consider a loan to the party to the cost-share as a contribution or portion of a contribution under subsection (b).

"(5) RECOVERED COSTS.—The Secretary may not claim as a portion of the Federal share under subsection (b) any costs to the Federal Government that are recovered through rates for the sale or transmission of power or water.

"(6) EFFECT OF FEDERAL NONPAYMENT.—If the Secretary fails to make the contribution required

under subsection (b), the application of the applicable provision of the conservation plan, requirement under section 7, term under the incidental take permit, or provision of the cooperative management agreement shall be suspended until such time as the full contribution is made. If the suspended provision or requirement includes a conservation easement or other instrument restricting title to the property of the non-Federal person, nonpayment of the full contribution shall result in the nullification of the previously granted restriction on title.

"(7) IN-KIND CONTRIBUTIONS.—A non-Federal person or Federal power marketing administration may include in-kind contributions in calculating the appropriate share of the costs of the person or administration under this section.

"(8) COSTS PAID BY THE SECRETARY.—Compensation from the Federal Government under section 19 may not cover costs incurred by a non-Federal person that were otherwise paid by the Secretary under subsection (b).

"(d) EXISTING COST-SHARING AGREEMENTS.—Any

main in effect unless the non-Federal person requests that the cost-sharing percentage be reconsidered.

"(e) ADJUSTMENTS TO COST-SHARING PERCENTAGE.—At the request of the non-Federal person, the Secretary may adjust the percentage of the Federal contribution to a higher share.".

SEC. 803. ENDANGERED SPECIES AND THREATENED SPECIES CONSERVATION TRUST FUND.

Section 13 is amended to read as follows:

"SEC. 13. ENDANGERED SPECIES AND THREATENED SPECIES CONSERVATION TRUST FUND.

"(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Endangered Species and Threatened Species Conservation Trust Fund' (in this section referred to as the 'Fund').

"(b) CONTENTS.—The Fund shall consist of the following:

"(1) Amounts received as gifts, bequests, and devises under subsection (d).

"(2) Other amounts appropriated to or otherwise deposited in the Fund.

"(c) USE.—Amounts in the fund shall be available to the Secretary, subject to appropriations, for the following:

"(1) Payment of compensation under section 19.

"(2) Habitat conservation grants under section 6(b)(11).

"(3) Payment of cost sharing under section 16.

"(d) GIFTS, BEQUESTS, AND DEVISES.—

"(1) IN GENERAL.—The Secretary may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of carrying out this Act.

"(2) DEPOSIT INTO FUND.—Gifts, bequests, or devises of money, and proceeds from sales of other property received as gifts, bequests, or devises, shall be deposited in the Fund and shall be available for disbursement upon order of the Secretary.

"(3) TREATMENT.—For purposes of Federal income, estate, and gift taxes, property accepted under this subsection shall be considered as a gift, bequest, or devise to the United States.".

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. AMENDMENTS TO DEFINITIONS.

(1) by adding after paragraph (16) (as added by section 401(e)(1) of this Act) the following new paragraph:

"(17) The term 'non-Federal person' means a person other than an officer, employee, agent, department, or instrumentality of the Federal Government or a foreign government, acting in the official capacity of the person."; and

(2) by amending paragraph (3) (as redesignated by section 102(a)(1) of this Act) to read as follows:

"(3) The term 'commercial activity' means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling, except that it does not include exhibition of commodities or species by exhibitors licensed under the Animal Welfare Act (7 U.S.C. 2131 et seq.), museums, or similar cultural or historical organizations.".

SEC. 902. REVIEW OF SPECIES OF NATIONAL INTEREST.

No later than 60 days after the date of the enactment of this Act, the Secretary (as that term is defined in section 3 of the Endangered Species Act of 1973, as amended by this Act) shall identify those species which are listed

under section 4 of that Act as a result of being determined to be a population segment. No later than one year after the date of the enactment of this Act, the Secretary shall review and determine whether or not it is in the national interest to continue to list each such population segment. Those population segments which the Secretary recommends for continued listing in the national interest shall be submitted to the Congress for approval. Any population segment which is not determined to be in the national interest shall be delisted within 60 days after that determination.

SEC. 903. PREPARATION OF CONSERVATION PLANS FOR SPECIES LISTED BEFORE ENACTMENT OF THIS ACT.

(a) LISTED SPECIES WITHOUT RECOVERY PLANS.—

(1) PRIORITY FOR DEVELOPMENT OF CONSERVATION PLANS.—Not later than 30 days after the date of enactment of this Act, the Secretary (as defined in section 3 of the Endangered Species Act of 1973, as amended by this Act) shall publish a list of all species that were determined to be endangered species or threatened species under section 4 of the

date of enactment of this Act) divided equally into three tiers of priority for preparation of conservation objectives and conservation plans therefor pursuant to section 5 of the Act. Any species which is listed as an endangered species or threatened species in more than one State shall be placed in the first tier of priority.

(2) SCHEDULE FOR ADOPTION OF PLANS.—The Secretary shall publish pursuant to section 5 of the Endangered Species Act of 1973 a conservation objective, draft conservation plan, and final conservation plan (except when a conservation objective is published pursuant to section 5(b)(3)(C) of such Act) for each species within each tier of priority identified pursuant to paragraph (1) within the following periods after the date of enactment of this Act:

(A) Conservation objective: First tier, 120 days; second tier, 12 months; and third tier, 24 months.

(B) Draft conservation plan: First tier, 6 months; second tier, 18 months; and third tier, 30 months.

(C) Final conservation plan: First tier, 12 months; second tier, 24 months; and third tier, 36 months.

(b) LISTED SPECIES WITH RECOVERY PLANS.—

(1) PRIORITY FOR REVISION OF EXISTING PLANS.—Except as provided in paragraph (3), a final recovery plan issued under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) (as in effect on the day before the date of enactment of this Act) shall continue in effect until the expiration of the deadline for revision thereof established under this paragraph. Within 90 days after the date of enactment of this Act, the Secretary shall publish a list of all species that were determined to be endangered species or threatened species under section 4 of such Act (16 U.S.C. 1533) and for which final recovery plans were issued under section 4(f) of such Act (16 U.S.C. 1533(f)) (as in effect on the day before the date of enactment of this Act) divided equally into three tiers of priority for preparation of conservation objectives pursuant to section 5(b) of such Act and revisions of the re-

species or threatened species in more than one State shall be placed in the first tier of priority.

(2) SCHEDULE FOR REVISION OF PLANS.—The Secretary shall publish pursuant to section 5 of the Endangered Species Act of 1973 a conservation objective, draft revision of the existing recovery plan, and final revision of the existing recovery plan (except when a conservation objective is published pursuant to section 5(b)(3)(C) of such Act) for each species within each tier of priority identified pursuant to paragraph (1) within the following periods after the date of enactment of this Act:

(A) Conservation objective: First tier, 180 days; second tier, 18 months; and third tier, 30 months.

(B) Draft revised recovery plan: First tier, 12 months; second tier, 24 months; and third tier, 36 months.

(C) Final revised recovery plan: First tier, 18 months; second tier, 30 months; and third tier, 42 months.

(3) SPECIES FOR WHICH NO CONSERVATION PLAN IS REQUIRED.—If the Secretary publishes a conservation objective for which no conservation plan is required pursuant to section 5(b)(3)(C) of the En-

dangered Species Act of 1973 for any species subject to this subsection, the final recovery plan applicable to the species shall be rescinded.

(c) PROHIBITION ON ADDITIONAL REQUIREMENTS.—The Secretary or any other Federal agency may not require any increase in any measurable criterion contained in, or any site specific management action in addition to those provided in, a final recovery plan issued under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) (as in effect on the day before the date of enactment of this Act) until such time as a conservation plan, or, pursuant to section 5(b)(3)(C) of such Act, a conservation objective, has been published under section 5 of such Act.

(d) EXISTING BIOLOGICAL OPINIONS.—In conjunction with the issuance of a conservation plan, or, pursuant to section 5(b)(3)(C) of the Endangered Species Act of 1973, a conservation objective under subsection (a) or (b), the Secretary (as defined in section 3 of such Act (16 U.S.C. 1532)) shall review and reissue, in accordance with section 7 of such Act, any written opinion of the Secretary that relates to the affected species and was issued after January 1, 1993, under section 7(b)(3) of such Act (16

SEC. 904. CONFORMING AMENDMENT TO TABLE OF CONTENTS.

The table of contents at the end of the first section is amended to read as follows:

"TABLE OF CONTENTS

"Sec. 2. Findings, purposes, and policy.
"Sec. 3. Definitions.
"Sec. 4. Determination of endangered species and threatened species.
"Sec. 5. Species conservation plans.
"Sec. 5A. Protection of habitat.
"Sec. 6. Cooperation with non-Federal persons.
"Sec. 7. Interagency cooperation.
"Sec. 8. International cooperation.
"Sec. 8A. Convention implementation.
"Sec. 9. Prohibited acts.
"Sec. 10. Exceptions.
"Sec. 11. Penalties and enforcement.
"Sec. 12. Endangered plants.
"Sec. 13. Endangered Species and Threatened Species Conservation Trust Fund.
"Sec. 14. Notice of hearings.
"Sec. 15. Authorization of appropriations.
"Sec. 16. Federal cost-sharing requirements for conservation obligations.
"Sec. 17. Marine Mammal Protection Act of 1972.
"Sec. 18. Annual cost analysis by the Fish and Wildlife Service.
"Sec. 19. Right to compensation.
"Sec. 20. Recognizing net benefits to aquatic species."

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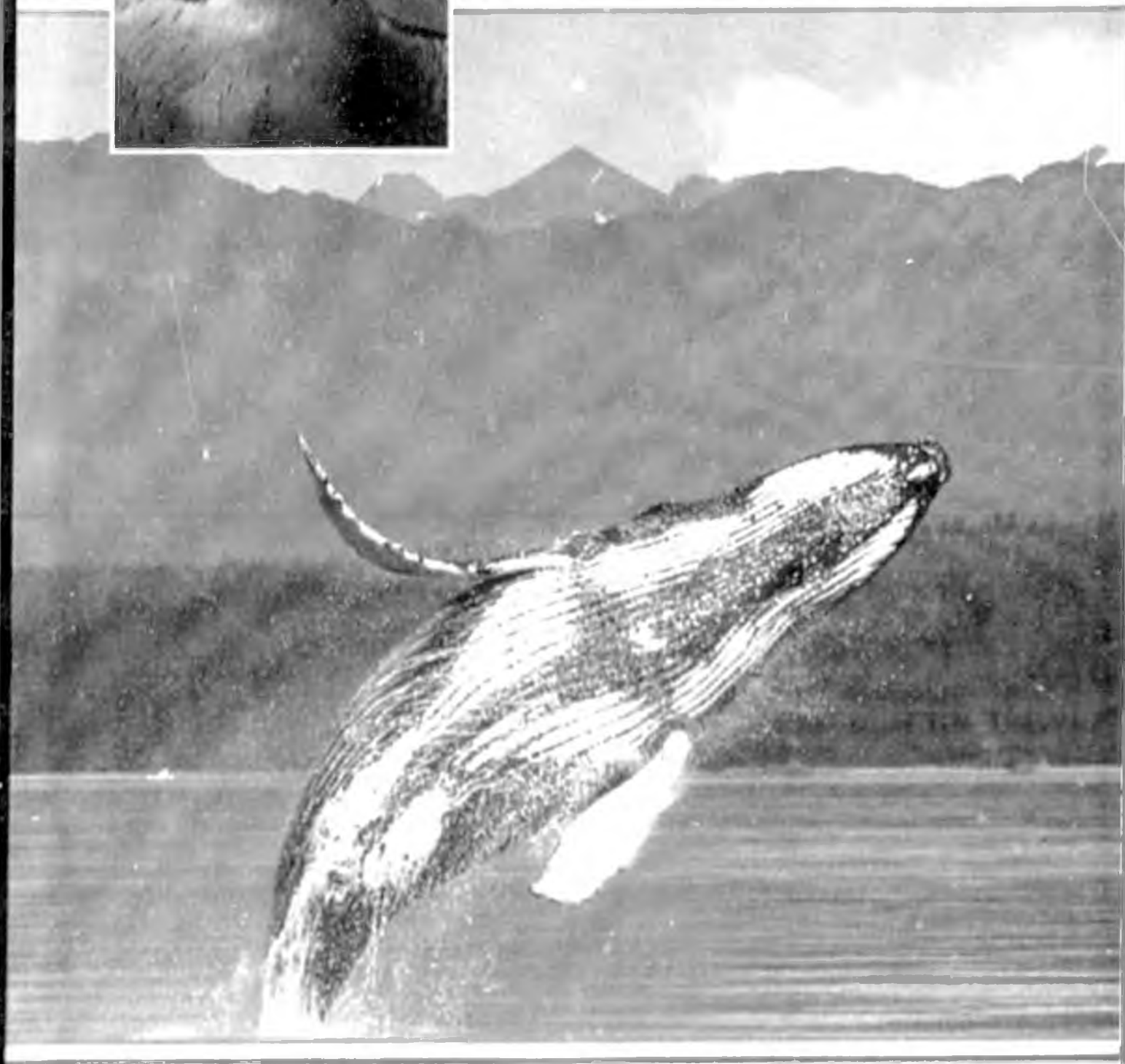
Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

House Resources
2-19-96
HJRS8

Mary Pagenkopf

Alaska's Threatened and Endangered Species



1994

"It has been my opinion, that he who receives an Estate from his ancestors is under some kind of obligation to transmit the same to their progeny."

—Benjamin Franklin, 1789

This publication was produced with funding from the Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Bureau of Land Management, and USDA Forest Service.

Editor	Michelle Sydeman, Alaska Department of Fish and Game
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Drawing on page 26 by Edwin Sheppard reprinted from *North American Shore Birds* by Daniel Giraud Elliot. Published by Francis P. Harper in 1895.

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Why Save Endangered Species?

Since life began on this planet, countless creatures have come and gone—rendered extinct by naturally changing physical and biological conditions.

If extinction is part of the natural order, and if many other species remain, some people ask: "Why save endangered species? What makes these animals and plants so special that money and effort should be spent to conserve them?"

The California gray whale was removed from the U.S. endangered species list in 1994.

Congress answered these questions in the preamble to the Endangered Species Act of 1973, stating that endangered species of fish, wildlife, and plants "are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people." In this statement, Congress was summarizing arguments made by scientists, conservationists, and others who are greatly concerned with the disappearance of unique creatures.

Unfortunately, we cannot attribute the accelerating decline of the earth's wild animals and plants to "natural" processes. Biologists know that today's dangers to wildlife most often result from habitat degradation, environmental pollution, the introduction of nonnative organisms, and exploitation—all generally as a direct result of human activities.

The number of Steller sea lions in Alaska has plummeted by about 70% in the last two decades.

Although conservation efforts have begun in recent years, mankind is still exterminating entire species at an ever-increasing rate. Since the Pilgrims landed at Plymouth Rock in 1620, more than 500 species, subspecies, and varieties of our nation's plants and animals have become extinct—lost forever. The situation is even worse in other parts of the world. By contrast, during the 8,000 years of the Pleistocene Ice Age, all of North America lost only about three species every 100 years.

Natural Diversity

No creature exists in a vacuum. Each living thing is part of a complex, delicately balanced ecosystem. The removal of a single species within an ecosystem can set off a chain reaction affecting many other species. It has been estimated, for example, that a disappearing plant can take with it up to 30 other species, including insects, higher animals, and even other plants.

Benefits to Mankind

Scientists have investigated only a small fraction of the world's species to determine, among other things, possible benefits to mankind. No matter how small or obscure a species, it could one day be of direct aid to all of us. For instance, it was "only" a fungus that gave us penicillin. Today, at least a quarter of all prescriptions written in the United States contain chemicals discovered in plants and animals.

Many seemingly insignificant forms of life are also beginning to show important benefits in agriculture. Some farmers are beginning to use insects and other animals that compete with or prey on crop pests—as well as using plants containing natural toxins to repel harmful insects. These species are often a safe, effective, and inexpensive alternative to synthetic chemicals. Many plant species not commonly used for food could also help feed growing populations. It has been estimated that there are almost 80,000 species of edible plants, of which fewer than 20 produce 90 percent of the world's food.

Industry is also increasingly making use of wild plants. For instance, the jojoba plant produces an oil with unique properties suitable for a variety of industrial processes. In the past, the only comparable oil was derived from the sperm whale, but overhunting brought this great marine mammal to the brink of extinction.

Robert Angus Alaska Division of Tourism

Researchers conduct an Aleutian Canada goose survey on Little Kiska in the Aleutian Islands.

Environmental Monitors

Many species are important as indicators of environmental quality. The rapid decline in bald eagles, peregrine falcons, and ospreys was a dramatic warning of the dangers of DDT—a strong, once widely used pesticide that accumulates in body tissues. Certain plants, such as the eastern white pine, are good indicators of excess ozone, sulfur dioxide, and other air pollutants. Species like these alert us to the effects of contaminants before they cause significant damage.

Intrinsic Value

Aside from the more utilitarian reasons for preserving endangered species, some people believe that every creature, after adapting for thousands or even millions of years to fit a constantly changing environment, has an intrinsic value. According to this philosophy, exterminating other forms of life is not only shortsighted but wrong—especially since the species could never be replaced.

OVERVIEW

U.S. Endangered Species Act

What is an "endangered" or "threatened" species?

An endangered species is any species in danger of extinction throughout all or a significant portion of its range. A species' range is the geographic area it inhabits. A threatened species is one likely to become endangered in the foreseeable future. Species which are being considered for possible designation as threatened or endangered species are called "candidate" species.

How does a species become listed as threatened or endangered?

Generally, the federal government proposes "listing" those species facing the greatest threats. However, members of the public may also petition the government to add a species to the threatened or endangered species lists. If enough information exists to support the listing, a scientific review process is initiated. During this review, the government considers many factors, including the present or threatened destruction, modification, or curtailment of the species' habitat or range; overuse of the species for commercial, recreational, scientific, or educational purposes; the effect of disease or predation on the species; and the adequacy of existing protective regulations. Decisions regarding the listing of threatened and endangered species are made with input from the public.

Once a species is declared threatened or endangered, how does the government help it to recover?

Most activities involving threatened and endangered species are prohibited. These include hunting, trapping, possessing, harassing, harming, and selling listed species. The government also restricts activities that affect a species' critical habitat. Exceptions may be authorized by permit on a limited basis for recovery or other special purposes. The Act also provides for the taking of listed species if incidental to otherwise lawful activities. In addition, biologists and other experts may be appointed to "recovery teams." Members of the public, conservation organizations and state and federal government officials work together to promote the recovery of listed species.

Which federal agencies are responsible for protecting endangered species?

The U.S. Fish and Wildlife Service (FWS) is responsible for administering the Act as it pertains to federally endangered and threatened species, except for most marine mammals, marine fish, and sea turtles. The National Marine Fisheries Service (NMFS) administers the Act with regard to these species. In addition, all federal agencies must consult with the FWS or NMFS when any activity they permit, fund, or conduct may affect a listed species or designated critical habitat.

OVERVIEW

Alaska Endangered Species Act

Under state law, when is a species considered endangered?

A species or subspecies of fish or wildlife is endangered when its numbers have decreased to the point that its continued existence is threatened. This determination is made by the commissioner of the Alaska Department of Fish and Game (ADF&G).

What restrictions apply to the treatment of state endangered species?

An endangered species may not be harvested, captured, or propagated, except under a special permit from the ADF&G. In addition, the law requires the commissioners of the departments of Fish and Game and Natural Resources to protect the natural habitat of endangered species on lands under their jurisdiction.

How does a species get placed on Alaska's endangered species list?

Every two years, ADF&G reviews Alaska's endangered species list for accuracy and completeness, requesting advice and recommendations from experts and interested members of the public.

What are the major differences between the state and federal laws?

Alaska's statute lists only species that are endangered. It does not have a separate designation for threatened species. The Alaska act also applies only to fish and wildlife species. It does not include plants.

What is a "species of special concern"?

In 1995, the commissioner of ADF&G created a new category for species potentially at risk: species of special concern. Although there are no legal requirements for how species on this list are to be treated, this new designation draws attention to the status and needs of vulnerable species before they become critical and require more extreme and costly management actions. As of October 1, 1996, there were 15 species on this list (see table on page 20).

Humpback Whale

(*Megaptera novaeangliae*)

Status

Federal endangered species
State endangered species

Description

Humpback whales are baleen whales with stocky bodies and flat, broad heads. Full grown males average 42 feet in length and weigh about 25 tons. Females are larger, averaging 45 feet in length and weighing about 35 tons. Grooves run along the underside of humpbacks from their chins to their navels. Their upper bodies are black or blue-black. Their flippers, grooved undersides, flanks, and underside of the flukes are white or black, depending on geographical race and individual variation. Their flippers are long and wing-like with bumps on the front edges on which barnacles grow. They have paired blowholes on the midline of their heads. Their tail flukes are large, notched, and have an irregularly shaped edge.

Habitat and Habits

Humpback whales can be found in a wide range of ocean habitats from the waters surrounding tropical islands to shallow waters off continental coasts. In the summer, they inhabit waters from southern California throughout the Gulf of Alaska to the southern Chukchi Sea. In Alaska, humpbacks feed mostly on krill (tiny, shrimp-like animals suspended in the water) and small fish, such as herring or capelin. Some humpbacks feed in the same areas year after year. They are seasonal feeders, building up body fat reserves in the summer then migrating to warmer subtropical areas during the winter breeding season.

Causes of the Decline

There were an estimated 15,000 humpback whales in the North Pacific prior to mechanized commercial whaling. Today, scientists estimate there are 1,000 to 1,200. Humpbacks were taken throughout their range, depleting all populations. No other factors are known to have contributed to their decline.

Research and Recovery

Research focuses on estimating population size and following individual whales over many years to gather reproductive and behavioral information. Scientists do not know whether the population is increasing or decreasing.

Bowhead Whale

(Balaena mysticetus)

Status

Federal endangered species
State species of special concern

Description

Bowhead whales are the only baleen whales that spend their entire lives in and around Arctic waters. They are robust bodied, dark colored animals with no dorsal fin and a strongly bowed lower jaw and narrow upper jaw. The baleen plates of bowhead whales, which are used to sieve prey from the water, are the longest of any baleen whale, exceeding 9.5 feet. Bowheads may reach lengths of up to 62 feet; females are larger than males.

Habitat and Habits

The bowhead whales found off Alaska spend the winter months in the southwestern Bering Sea. They migrate northward in the spring, following openings in the pack ice, into the Chukchi and Beaufort seas. Their primary prey are krill and zooplankton. Bowheads are slow swimmers and usually travel alone or in small groups of up to six animals. They can stay below the water surface for as long as 40 minutes in a single dive. Scientists believe females produce a calf once every 3 to 6 years. Breeding has been observed from March through August.

Causes of the Decline

In the North Pacific, commercial whaling of bowheads began in the mid-1800s. Within two decades more than 60 percent of the bowhead whale population had been killed. The stock off Alaska has increased since commercial whaling ceased. In 1980 it was estimated at about 7,800 animals, roughly 11 percent of the prewhaling population. Alaska Natives continue to take small numbers of bowhead whales in subsistence hunts each year. This level of harvest (25-40 animals annually) is not expected to affect the stock's recovery.

Research and Recovery

Bowhead whales, along with the other large whale species, were declared an endangered species in 1973. Commercial whaling, the principal cause of the decline, has been discontinued. The bowhead whale population off Alaska's coast appears to be recovering but remains a fraction of its former size.

Blue Whale

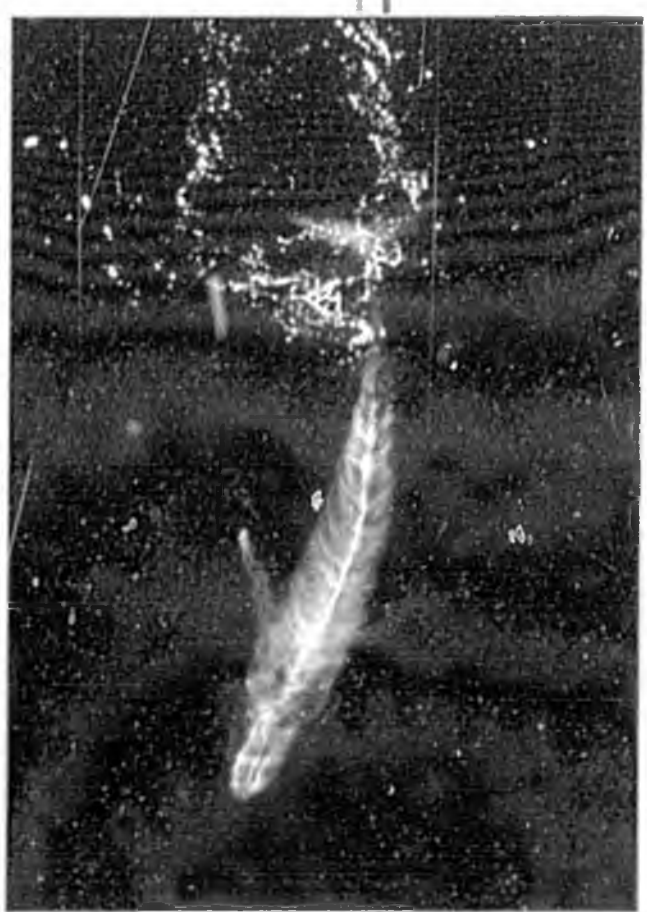
(Balaenoptera musculus)

Status

Federal endangered species
State endangered species

Description

The blue whale is the largest living animal in the northern hemisphere; they reach 75 to 80 feet in length and weigh up to 200,000 pounds. The largest blue whale taken was a 110-foot female from the southern hemisphere. They are mottled bluish-gray on their backs and sides. Growth of tiny plants called diatoms on their bellies gives them a yellowish color that has caused them to be called sulfur bottom whales. Their heads are wide and flat and their dorsal fin is very small (one foot high) and may not be visible except when they begin to dive.



Habitat and Habits

Blue whales migrate long distances between equatorial wintering grounds and high latitude feeding areas. In the eastern North Pacific they winter off southern and Baja California. During the summer they may be found across the Gulf of Alaska, but they seldom enter the eastern Bering Sea. Historical areas of concentration include the eastern Gulf of Alaska, the eastern Aleutians, and the far western Aleutians. Blue whales spend most of their time along the edges of continental shelves and are seldom seen in coastal Alaska waters. Blue whales feed on krill, consuming several tons per day.

Causes of the Decline

An estimated 1,900 to 6,000 blue whales inhabited the northern Pacific Ocean prior to whaling. Between 1910 and 1966, approximately 8,200 were killed in the North Pacific. As a result, the population was severely reduced. The North Pacific population is now estimated at 1,200 to 1,700 animals; the worldwide population is estimated at 8,000 to 12,000.

Research and Recovery

Scientists do not know whether the number of blue whales is increasing or decreasing, but whale sightings have increased since the end of whaling. No human activities in the North Pacific, other than whaling, are known to have affected the species.

Sei Whale

(Balaenoptera borealis)

Status

Federal endangered species

Description

Sei whales have sleek, dark bodies with pointed jaws and pale undersides. Male adults average 46 feet in length; females average 49 feet. They have 32 to 60 short throat grooves that function as expandable pouches when the animal is feeding. Their flippers are relatively small, slender, and pointed. Their flukes are large with a central notch but are seldom seen even when the animal is diving.

Habitat and Habits

Sei whales are the fastest swimming baleen whales. They have been recorded swimming at speeds up to 20 knots. They are an open-ocean species, rarely seen in coastal waters but distributed over the whole Gulf of Alaska. Sei whales usually travel in groups of two to five, though they concentrate in larger numbers in their feeding grounds. Sei whales undertake annual migrations from lower-latitude wintering grounds to higher-latitude feeding grounds. Sei whales are primarily skimmer feeders, feeding on zooplankton, krill, and small schooling fish near the surface. Little is known about sei whale reproduction, but females are known to mature between the ages of 8 and 11 and calve at two-year intervals.

Causes of the Decline

Commercial whaling primarily from the 1950s to the 1970s resulted in steep declines in the number of sei whales. The present North Pacific population is estimated to be about 9,000 animals.

Research and Recovery

Scientists do not know whether the population is increasing or decreasing. No human activities other than commercial whaling are known to have affected the species, and no direct recovery actions are being taken.

Fin Whale

(Balaenoptera physalus)

Status

Federal endangered species

Description

Among the earth's animals, only the blue whale exceeds the fin whale in size. Fin whales in the northern hemisphere can grow to 80 feet long. Fin whales are dark gray on their backs, grading into white on their undersides. The underside of the flukes and fins are white. The lower right side of the jaw is usually white, while the left side is dark. The dorsal fin is two feet high and is more prominent than that of the blue whale.

Habitat and Habits

Eastern North Pacific fin whales breed and calve in the subtropical and temperate waters off California and Baja, Mexico. They migrate into Alaska waters in the spring and feed from the Gulf of Alaska to the Chukchi Sea. Fall migration begins in August with most animals moving south by September. Historically, fin whales in Alaska were most abundant south of Prince William Sound, around Kodiak Island, north of the Aleutians, and southwest of St. Matthew Island. Several recent sightings have occurred in the vicinity of the Pribilof Islands. Fin whales feed on a wide variety of species, including squid, krill and other zooplankton, and schooling fishes such as capelin, sand lance, herring, and lanternfish.

Causes of the Decline

An estimated 25,000 to 27,000 fin whales inhabited the eastern North Pacific prior to whaling. Substantial numbers were taken by whalers, and the population was severely reduced. Since this animal was protected from whaling in 1976, estimates of the stock size in the eastern North Pacific have ranged from 8,500 to 16,000 animals. The worldwide population is estimated at 105,000 to 122,000 animals.

Research and Recovery

The principal threat to the fin whale was commercial whaling. Protection by the International Whaling Commission reduced this threat, and no other human activity in the Northern Pacific is known to have affected this species.

Northern Right Whale

(Eubalaena glacialis)

Status

Federal endangered species
State endangered species

Description

Northern right whales grow up to 56 feet in length and are mostly black with some white patches on their bellies. They have large heads with strongly arched jaws and wide bodies. Their spouts are V-shaped and they have no back fin. Light-colored, wart-like skin patches on their heads are called callosities.

Habitat and Habits

Right whales are currently found in the northern and southern hemispheres, including both the Atlantic and Pacific oceans. Alaska right whales feed in the northern waters of the Pacific Ocean during the summer and probably migrate to lower latitudes to calve during the winter. They eat small animals called zooplankton. Right whales swim with their large mouths open through patches of zooplankton. When the mouth is closed the water strains out through the sides. The zooplankton is caught on fringed baleen plates and swallowed. Baleen is located in the same place as our teeth but is made of the same substance as fingernails. The especially long baleen of right whales provides more surface area for trapping tiny zooplankton than the shorter baleen of other kinds of whales that consume fish and larger zooplankton.

Causes of the Decline

Right whales were hunted to near-extinction because of their valuable thick blubber and long baleen, slow swimming speed, and presence in coastal areas. They were considered the "right" whale to hunt, hence the common name. From 1835 to the early 1850s Yankee whalers took large numbers in the "Kodiak Grounds," an area from the eastern Aleutians through the Gulf of Alaska. Whether the current population of 100 to 500 animals is increasing or decreasing is unknown.

Research and Recovery

Right whales are so rarely sighted that little can be done on their behalf. Any reports of right whales verified with photographs, videotape, or other reliable means should be reported promptly to the National Marine Fisheries Service.

Sperm Whale

(Physeter macrocephalus)

Status

Federal endangered species

Description

Sperm whales are the largest of the toothed whales. Males average 50 feet in length and weigh about 40 tons. Females average 30 feet in length and weigh about 22 tons. Even newborn calves are large, weighing about a ton and averaging about 13 feet in length. Sperm whales are easily distinguished from other whales by their large, blunt-shaped heads, which are about one-fourth to one-third of their total body length. Individual sperm whales have only one blow hole, which is located on the left side of the head. Their bodies are dark, and their skin appears wrinkled. They have no dorsal fin, although a hump or a series of humps, is usually present on the dorsal surface.

Habitat and Habits

Sperm whales inhabit all oceans of the world but are typically found offshore in deep water. Off Alaska, sperm whales may be found in waters of the Gulf of Alaska, Aleutian Islands, and Bering Sea south of Cape Navarin. In summer, they migrate to higher latitudes, with males typically moving farther north than females. Sperm whales are the deepest and longest divers of all whales. Large adult males can remain underwater for over an hour and have been observed diving to depths of nearly 10,000 feet. Deep-water squids are the sperm whale's major food source, although they also eat large deep-sea sharks, skates, and fishes.

Causes of the Decline

Commercial whaling by several nations beginning in the mid-1800s caused this species to decline. Sperm whales were sought primarily for sperm oil, a high-quality oil found in the animal's head, as well as the lower grade oil produced from their blubber. The remainder of the animal was usually processed into animal feed, fertilizer, and to a lesser extent, human food and other consumer products. About a million sperm whales were harvested by commercial whalers prior to the cessation of commercial whaling in 1987.

Research and Recovery

Sperm whales were declared an endangered species in 1973. Today, scientists estimate there are about two million sperm whales, roughly 69 percent of the estimated pre-harvest population. Their numbers have increased since the end of whaling, and no other threats to the population are known to exist.

Steller Sea Lion

Eumetopias jubatus

Status

federal threatened species
state species of special concern

Description

Steller sea lions are the largest of the eared seals. They are light brown with darker undersides and flippers. Pups are much darker at birth. Males average 1,700 pounds and have enlarged necks and noticeable manes. Females are much smaller averaging about 650 pounds. Sea lions are at home both on land and at sea.

Habitat and Habits

The most well-known Steller sea lion habitats are rookeries where adult animals gather to breed and give birth from late May to early July and haulouts where sea lions rest and take refuge throughout the year. Both are usually located on relatively remote islands where access by predators is limited. Steller sea lions prey primarily upon schooling fishes such as pollock and herring as well as invertebrates such as squid and octopus. They can be found throughout the North Pacific Ocean from the Kuril Islands and Okhotsk Sea through the Aleutian Islands and Bering Sea and south along the North American coast to central California. About 70 percent of the worldwide Steller sea lion population resides in Alaska.

Causes of the Decline

Counts of Steller sea lions between the mid 1970's and the present indicate about a 70 percent decline in the Alaska population. The causes of the decline are unknown but may include disease, environmental change, and the effects of commercial fisheries including direct mortality and reduction in the availability of sea lion food. The 1990 estimate for the Alaska portion of the Steller sea lion population is about 30,000 animals. The decline is continuing.

Research and Recovery

Some first steps have been taken to reduce sea lion mortality and restore abundance of sea lions. These steps have included prohibitions on shooting at or near sea lions by any other than Alaska Native subsistence hunters, restrictions on vessel distance from rookeries, limits on the incidental harvest of sea lions in commercial fisheries, and fishery closures around some rookeries and haulouts. Research on the causes of the decline is ongoing.

Leatherback Sea Turtle (*Dermochelys coriacea*)

Status — Federal endangered species

Description — The largest sea turtle, this species reaches lengths of 6 feet and weights of 1,000 pounds. Leatherbacks do not have a hard shell; instead they are enclosed by a leathery black skin with seven lengthwise ridges.

Habitat — Leatherback sea turtles are found in ocean waters worldwide. Although nesting occurs in the tropics, they roam into temperate latitudes to feed. The extent of this ranging is greater than any other living reptile. Alaska appears to be on the edge of their range, as only 19 have been reported during the past 30 years.

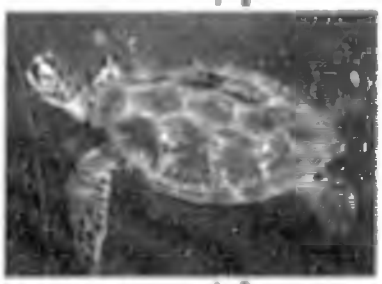
Green Sea Turtle (*Chelonia mydas*)

Status — Federal threatened species

Description — This sea turtle reaches lengths of 3 feet. The hard shell on its back, called a carapace, ranges from light to dark brown and has darker mottled markings.

Habitat — Green sea turtles are found in ocean waters worldwide and nest in the tropics. Green sea turtles cannot tolerate cold water temperatures, and only two sightings have been documented in Alaska.

Loggerhead Sea Turtle (*Caretta caretta*)



Status — Federal threatened species

Description — Loggerheads reach up to 3.5 feet in length and have an oval carapace (shell) that is reddish brown.

Habitat — Loggerhead sea turtles are found in subtropical and temperate waters worldwide. Loggerhead sea turtles cannot tolerate cold temperatures, and only two sightings have been documented in Alaska waters.

Causes of the Decline

All three species of sea turtles have been reduced in number due to commercial hunting, loss of nesting beaches, and entanglement in fishing gear. In the case of green sea turtles, an unusual disease in recent years is also a factor.

Research and Recovery

In the subtropics, efforts are underway to protect nesting beaches and reduce hunting and entanglement. Because of the rarity of sea turtle sightings in Alaska, any observations should be reported to the National Marine Fisheries Service.

Snake River Fall Chinook Salmon

(Oncorhynchus tshawytscha)

Status

Federal endangered species
State species of special concern

Description

Chinook salmon are the largest species of Pacific salmon, commonly exceeding 30 pounds in weight. They have small black spots on both lobes of their tail fins and black pigment along the base of their teeth. In the ocean, chinook salmon are bluish-green on the back, fading to a silvery color on the sides and white on the belly. When spawning in freshwater, chinook range from red to copper to almost black.

Habitat and Habits

Snake River fall chinook salmon spawn in the Snake River in Idaho and in the lower reaches of several of its tributaries. Spawning occurs from October through November. Fry emerge from March through April. Downstream migration generally begins within several weeks of hatching. Most of the fish spend three years at sea before returning to their birth streams. During this time, a few range into Alaska waters.

Causes of the Decline

During the 1950s, about 72,000 fall chinook spawned in the Snake River. Then in the 1960s and 1970s, a series of dams were constructed on the river, blocking access to and from spawning habitat. Since the mid-'70s, about 500 fall chinook have returned to the Snake River. Harvests, hydro operations, hatcheries, and habitat degradation also may be contributing to the decline.

Research and Recovery

Fisheries that incidentally harvest Snake River chinook have been closed or curtailed, including some fisheries in Southeast Alaska. One challenge the recovery team faces is that there is no way externally to tell if an individual chinook salmon caught at sea is from the Snake River.

Arctic Peregrine Falcon

(falco peregrinus tundrius)

Status

federal threatened species (will be delisted as of November 4, 1999)
State species of special concern

Description

Arctic peregrine falcons are medium-sized falcons about 14-18 inches long with long narrow wings that commonly span 43 inches. Adults have blue-gray backs with white chests and heavily barred bellies. Younger birds (less than 1 year old) have brown backs, heavily streaked underparts, and buff-colored chests. Both adults and immatures have dark heads with a distinct mustache mark below the eye.

Habitat and Habits

Arctic peregrine falcons nest in the treeless tundra areas of Alaska, Canada, and Greenland and migrate south through Canada and the United States. They spend the winter in warmer climates from the southern United States to southern Argentina and Chile. In Alaska, arctic peregrine falcons nest mostly along rivers in northern and western Alaska. An extremely powerful flier, the arctic peregrine falcon mostly eats birds that are caught in midair chases of breathtaking speed. Nests are on cliffs or bluffs usually near rivers or lakes that provide habitat for the shorebirds, songbirds, and waterfowl upon which the falcons prey.

Causes of the Decline

The use of DDT and other toxic pesticides was the primary cause of the decline of peregrine falcons. Restrictions on the use of these pesticides since 1972 have allowed arctic peregrine falcons to recover. About 250 pairs nest in Alaska and thousands nest throughout arctic North America.

Research and Recovery

Research on arctic peregrine falcons has focused on monitoring changes in pesticide levels, breeding success, and population size. Cooperative efforts between land management agencies and resource exploration and development interests have allowed arctic peregrine falcons to reproduce without disturbance at their remote nesting areas.

American Peregrine Falcon

(Falco peregrinus anatum)

Status

Federal endangered species
State species of special concern

Description

American peregrine falcons are medium-sized falcons, about 14-18 inches long, with long, narrow wings that span up to 46 inches. Adults have blue-gray backs and white chests with dark barring. Young falcons less than one year old have brown backs and white chests with brown streaks. American peregrine falcons look similar to arctic peregrine falcons but tend to be slightly darker than the northern subspecies.

Habitat and Habits

American peregrine falcons range from Mexico to Alaska. In Alaska, they nest throughout the forested interior, mainly on cliffs along rivers or near lakes. American peregrine falcons that nest in Alaska winter from the southern United States south to Argentina. Peregrine falcons feed primarily on other birds, often catching their prey in spectacular stoop dives of up to 200 mph. Since peregrine falcons are predators that feed on other birds, they occupy a position at the top of the food chain. As such, peregrine falcons are often the first to show signs of environmental problems.

Causes of the Decline

The use of pesticides such as DDT was the primary cause of the decline of peregrine falcons. Restrictions on the use of these pesticides in 1972 have allowed American peregrine falcons to recover in most of their range. About 300 pairs nest in Alaska.

Research and Recovery

Research on American peregrine falcons has focused on monitoring population size, breeding success, and pesticide levels. Additional research includes banding studies to determine migration routes, wintering areas, dispersal, and mortality. Satellite telemetry has just recently been used to study migration and wintering ecology. Information on wintering areas is especially important because some foreign countries continue to use chemicals harmful to peregrine falcons and other birds that nest in Alaska and winter in other countries. Recovery has been enhanced through careful protection of nest sites.

Aleutian Canada Goose

(Branta canadensis leucopareia)

Status

Federal threatened species
State species of special concern

Description

The Aleutian Canada goose is one of five subspecies of white-cheeked Canada geese that inhabit Alaska. It is distinguished by its smaller size, abrupt forehead with short bill, and usually by a pronounced ring of white feathers around the base of the neck.

Habitat and Habits

The Aleutian Canada goose nests on treeless islands in areas densely vegetated by grasses, sedges, and ferns. Populations may have wintered from British Columbia to northern Mexico, and in Japan. The geese use pastures and grain fields along the coasts of Oregon and northern California and in California's Central Valley. It is presumed that the geese migrate between the Aleutian Islands and their wintering grounds by flying nonstop over the North Pacific Ocean, a distance of nearly 2,000 miles.

Causes of the Decline

The Aleutian Canada goose began to decline early in this century after arctic foxes were brought to most of their nesting islands by fur farmers. They were listed as endangered in 1967 with a population of fewer than 800.

Research and Recovery

Aleutian Canada geese were reestablished through transplants on several of their former nesting islands following the eradication of introduced foxes. Sport hunting for the geese is prohibited, and areas traditionally used by this subspecies have been closed to the hunting of all Canada geese to prevent loss through misidentification. In 1990, the goose was reclassified from "endangered" to "threatened," and today the population numbers approximately 15,000 birds.

Eskimo Curlew

(Numenius borealis)

Status

Federal endangered species
State endangered species

Description

Eskimo curlews are medium-sized shorebirds that closely resemble their slightly larger relative, the whimbrel. Eskimo curlews are about 12 inches long and have a slightly downcurved bill. Their underwing linings are cinnamon in color and spotted or barred; their primary and secondary feathers are solid in color.

Habitat and Habits

In the mid-1800s, huge flocks of Eskimo curlews migrated from South America to their nesting areas in the Alaskan and Canadian arctic. They fed in open natural grasslands and tundra, burned prairies, meadows, and pastures. During the fall, they traveled down the east coast of North America and then in the spring returned through the central United States and prairie provinces of Canada. Eskimo curlews wintered in the grasslands of southern South America from southern Brazil and Uruguay to middle-eastern Argentina.

Causes of the Decline

The evidence is overwhelming that unrestricted market hunting drastically and rapidly reduced the Eskimo curlew's numbers. This decline occurred mainly between 1870 and 1890 following the virtual disappearance of the passenger pigeon, also hunted for the market. Habitat loss, primarily to cultivation and grazing, also may have contributed to the curlew's decline and has prevented its recovery. No population counts were ever made for this species, and a current population estimate is not possible. This species may be extinct.

Research and Recovery

The last documented sighting of an Eskimo curlew was in Texas in 1962. Research efforts in recent years have focused on documenting the continued existence of the species. Surveys in historical breeding areas, migration routes, and wintering areas have failed to observe a single curlew. This bird has not been documented in Alaska since 1886.

Spectacled Eider

(Somateria fischeri)

Status

Federal threatened species
State species of special concern

Description

Spectacled eiders are large-bodied sea ducks. The adult male spectacled eider has a black chest and white back, a green head with a long, sloping forehead, and distinctive white eye patches. Young birds and females are brown with pale brown eye patches.

Habitat and Habits

Spectacled eiders nest in wet tundra near ponds on the Arctic coasts of Alaska and Russia and on the Yukon-Kuskokwim Delta coast in Alaska. Nesting pairs arrive together each spring, but the males leave after egg incubation begins. In late summer, the females and young go to sea. The wintering areas of spectacled eiders are unknown. They probably winter in the northern Bering Sea, eating small clams and other aquatic animals.

Causes of the Decline

Spectacled eiders have declined dramatically in Alaska since the 1960s. Causes for this decline are not known but may include some combination of reduced food supplies, pollution, overharvest, lead shot poisoning, increased predation, and other causes.

Research and Recovery

Major research projects are underway to find out where spectacled eiders spend the winter and why they are declining. By tracking these large ducks with state-of-the-art satellite transmitters, biologists are discovering eider molting and feeding areas in the Bering Sea. Other studies are investigating problems from lead shot poisoning and environmental contamination. Educational materials and meetings in coastal villages encourage subsistence waterfowl hunters to protect spectacled eiders.

Steller's Eider

(Polysticta stelleri)

Status

Proposed as threatened (federal)
State species of special concern

Description

Steller's eiders are the smallest of the four eider species, averaging 17–18 inches long. The male has a white head with a greenish tuft, and small black eye patches, a black back, white shoulders, and a chestnut breast and belly. Females are mottled dark brown. Adults of both sexes have a blue wing speculum with a white border.

Habitat and Habits

Steller's eiders are diving ducks that feed on mussels in marine waters during the winter and insect larvae in freshwater ponds during the breeding season of spring and summer. In Alaska, as few as 1,000 may nest on the arctic coastal plain. The majority of the birds breed in northern coastal areas of Russia, where they nest on the tundra near small ponds. During the winter, most of the world's population of Steller's eiders inhabit protected marine waters of the Alaska Peninsula and eastern Aleutian Islands. The world population estimate is 150,000 to 200,000 birds, but some scientists believe the population may have declined by as much as 50 percent between the 1960s and 1980s. More study is needed.

Causes of the Decline

Unknown.

Research and Recovery

Steller's eiders were formerly common in Alaska. Research has focused on surveys to document remaining nesting areas and to estimate population size. Additional research has focused on reproduction, mortality, migration, and behavioral studies. Little is known about this species. Studies are underway to determine causes of the decline.

Short-tailed Albatross

(Diomedea albatrus)

Status

Federal endangered species
State endangered species

Description

The short-tailed albatross is a very large seabird with narrow, seven-foot-long wings adapted for soaring low over the ocean. Young birds are chocolate brown, gradually turning white as they grow older. Adult short-tailed albatrosses have an entirely white back, white or pale yellow head and back of neck, and black and white wings. They have a large pink bill with a blue tip.

Habitat and Habits

Short-tailed albatrosses mate for life, returning to the same nest sites in the breeding colony for many years. Single eggs are laid in October or November and are incubated for 65 days. After five months in the nest, chicks go to feeding grounds across the North Pacific. They begin breeding at ages 6 to 9. Adults also spend the summer nonbreeding season at sea, feeding on squid, fish, or other organisms. Most summer sightings of the "coastal albatross," as short-tails were known historically, are in the Aleutian Islands, Bering Sea, and Gulf of Alaska.

Causes of the Decline

During the late 1800s and early 1900s, feather hunters killed an estimated five million short-tailed albatrosses, stopping only when these large birds were nearly extinct. Then nesting habitat on the last nesting island in Japan was damaged by volcanic eruptions in the 1930s. Yet, due to protection on their nesting grounds, short-tailed albatross numbers have increased from fewer than 50 birds in the late 1940s to over 600 birds in 1993.

Research and Recovery

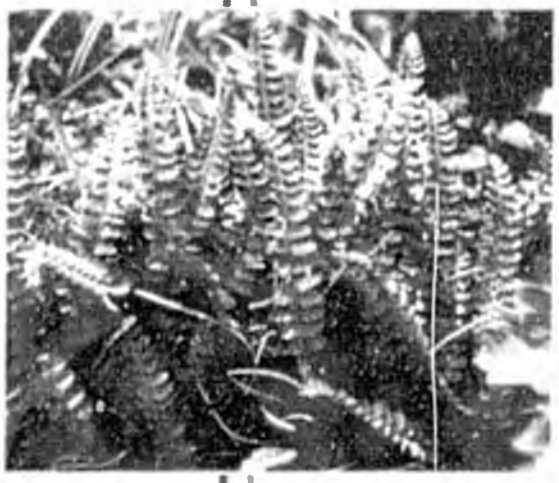
Japanese biologists study short-tailed albatross at their two nesting colonies in Japan. Japanese conservationists have planted grass to improve the nesting habitat and may try to start nesting colonies on other islands to avoid losing the entire population to another volcanic eruption. Reducing plastics pollution from trash thrown into the ocean is another important measure for protecting marine birds. In Alaska, the U.S. Fish and Wildlife Service has a program to teach commercial fishers how to identify short-tailed albatrosses, so they can avoid accidentally catching these rare birds in their fishing equipment.

Aleutian Shield-Fern

(Polystichum aleuticum)

Status

Federal endangered species



Description

The Aleutian shield fern is a tufted fragile fern. It has purplish-brown to brown stems that arise from an underground stem, called a rhizome. The leaves or fronds are dark green and somewhat brittle. Individual fronds can be a few to 100 centimeters long. Each leaflet of the frond is toothed and has a bristle at the tip. Straw-colored flaps of tissue called scales occur along the stem and on the underside of the leaflets. Like all ferns, the Aleutian shield fern reproduces by spores, not seeds. The spores occur in tiny "packets" on the back of each leaflet and are covered by a little flap of tissue called an indusium.

Habitat and Habits

This species is now known to exist only on Adak Island in the Aleutian Island chain. The population of approximately 130 "clumps" is located on the steep cliff faces of the Mount Reed ridge system. The shield fern grows only in sheltered spots and tight crevices and may also grow in thick mats of moss and other plants. Winds atop Mount Reed can be quite strong, and biologists believe that these places provide protection to the fern.

Causes of the Decline

The Aleutian shield fern may never have been very abundant. Some scientists consider this species a "living fossil," leftover from the Pleistocene. Others speculate the shield fern could be a recent arrival to the Aleutians. Still others believe construction activity that occurred on Adak during World War II may have caused a decline in the species, although this is not likely due to the fern's remote location.

Research and Recovery

Currently, the Adak population appears to be stable and possibly even increasing. To guard against threats to the population, however, scientists are cultivating shield ferns in greenhouses to ensure that reserve populations exist. Scientists are also developing plans to limit the impacts of carbon on island vegetation and are continuing their search for the shield fern on Adak and other islands.

Other Species of Concern

Mammals	Status	Note
Alexander Archipelago wolf	C	Restricted range, pot. habitat loss to logging
Amak tundra vole	C	Restricted to 1 island
Beluga whale (Cook Inlet population)	SSC	Isolated, sm. pop., subj. to human pressures
Glacier Bay water shrew	C	Restricted range
Harbor seal	SSC	Major pop. decline near Kodiak Is., PWS
Montague tundra vole	C, S	Restr. to 1 island. Pot. hab. loss to logging
North American lynx	C	Decline in lower 48 states
Northern fur seal	D	Major pop. decline since 1950s
Pribilof Islands shrew	C	Restricted to 1 is. Prey of introd. species
Birds		
Blackpoll warbler	SSC	Significant population decline in N. Am.
Bristle thighed curlew	C	Threats on wintering grounds from predation
Dusky Canada goose	S	Habitat loss through natural changes
Evermann's rock ptarmigan	C	Preyed upon by introduced foxes
Gray cheeked thrush	SSC	Significant population decline in N. Am.
Harlequin duck	C	Population decline in lower 48 states
Kittlitz's murrelet	C	Potential habitat loss from logging
Marbled murrelet	C	Potential habitat loss from logging
Northern goshawk (Queen Charlotte)	SSC, C, S	Potential habitat loss from logging
Olive sided flycatcher	SSC, C	Habitat loss on winter grounds
Osprey	S	Alaska is at edge of range
Peale's peregrine falcon	S	Rare, limited coastal nesting habitat
Red legged kittiwake	C	Low reproduction, undetermined causes
Townsend's warbler	SSC	Significant population decline in N. Am.
Trumpeter swan	S	Population stable or increasing
Yunaska rock ptarmigan	C	Preyed upon by introduced predators
Plants		
Aphragmus eschscholtzianus	S	Found in fewer than 20 locations
Artemisia globularia var. lutea	C	Restricted range, possibly reindeer grazing
Calder lovage	S	Found in two Alaska sites, also in B.C.
Cape Krause sorrel	C	Restricted range, specialized habitat
Chors bog orchid	S	Rare, found in bogs in Alaska and Asia
Circumpolar starwort	S	Rare, south coastal Alaska
Davy mannagrass	S	Known from only 2 sites in AK
Drummond's bluebell	C	Restricted range, specialized habitat
Edible thistle	S	In Alaska, found only near Hyder
Goose grass sedge	S	Few collections known
Kamchatka alkali grass	S	Rare, possibly more common
Kamchatka rockcress	S	Found in 5 locations worldwide
Loose flowered bluegrass	S	Rare, found in coastal forest
Murray's rockcress	C	Highly restricted distribution
Norberg's arnica	S	Found only in southern Alaska
Northern rockcress	S	Found in fewer than 10 sites worldwide
Oxytropis arctica var. barnebyana	C	Restricted range, sm. pop., human impacts
Pale poppy	S	S. coastal Alaska, possibly more common
Pretty shooting star	S	Found in about 10 locations
Queen Charlotte buttercup	S	Rare in Alaska and B.C.
Shackette's calsarpe	C	Highly restricted distribution
Slender bog orchid	S	Rare, found in bogs in Alaska, B.C.
Smooth alkali grass	S	Rare, S.E. Alaska
Straight beak buttercup	S	Rare in S.E. Alaska and B.C.
Truncate quillwort	S	Rare, but possibly hybrid
Tundra whitlow grass	S	Known from only 2 sites worldwide
Unalaska mustard	S	Rare in south coastal Alaska
Wild buckwheat	C	Specialized habitat, restricted range
Wright fumy fern	S	Rare in Alaska, more common in Asia
Yukon aster	C	Restricted range
Yukon podistera	C	Restricted range, specialized habitat
Amphibians/Fish		
Fish Creek chum salmon	S	Genetically distinct population
King Salmon River Wheeler Creek king salmon	S	Small island runs of king salmon
Northern pike	S	Relict population from glacial refugium
Spotted frog	C	Habitat loss

Key

C = Candidate Species (FWS designation)

S = Sensitive Species (USFS designation)

D = Depleted Species (MMPA designation)

SSC = Species of Special Concern (ADF&G designation)

HIGHLIGHTS

Other Species of Concern

As of November 1994, only 19 species were listed by either the state or federal government as threatened or endangered in Alaska. However, the status of many others is uncertain. Among them are the following three species.

Northern (Queen Charlotte) Goshawk

The Queen Charlotte goshawk is a blue-gray, raven-sized bird of prey with a long tail, rounded wings, and a distinctive white eyebrow. It is darker and slightly smaller than the more common northern goshawk found across North America. An uncommon bird, the Queen Charlotte goshawk lives in the coastal rainforests of Southeast Alaska and British Columbia. Goshawks nest in mature forests with an open understory, allowing flight beneath the enclosing canopy. They feed primarily on Steller's jays, grouse, and thrushes. Goshawks may never have been abundant in Southeast Alaska. Because they are associated with forested landscapes, they are vulnerable to habitat loss due to logging.

Marbled Murrelet

Marbled murrelets are small seabirds, 7 to 8 inches long. Both sexes are mottled brown during the summer breeding season. In the winter, the belly, breast, and neck feathers of adults and young of the year are mostly white. In Alaska, marbled murrelets can be found along the Pacific coast from the U.S.-Canada border through portions of the Aleutian Islands. Their southern range extends to central California. They feed and rest in coastal areas during the summer, moving further offshore during the winter. Their food is primarily small fish and invertebrates. Marbled murrelets typically nest in large trees within mature forest habitat, up to 45 miles from the ocean. The current population size and status of marbled murrelets is not known in Alaska. However, severe population declines have been documented in California, Oregon, Washington, and British Columbia, where they are listed as a threatened species. The primary cause of their decline is removal of nesting habitat by logging. Losses are also caused by oil pollution and entanglement in fishing nets used by commercial fishers.

Harbor Seal

Adult harbor seals average about 6 feet in length, have torpedo-shaped bodies, and short forelimbs. They range in color from mostly gray to mostly black with contrasting light or dark spots, rings or blotches. Harbor seals inhabit coastal waters from Baja California and Hokkaido, Japan, north to Alaska. Occasionally they travel up rivers and live in freshwater lakes. Since the 1970s, harbor seal numbers in the Kodiak Island area have declined by about 90 percent. In Prince William Sound, seal numbers have declined by about 60 percent since the 1980s. The causes of these declines are largely unknown, although the *Exxon Valdez* oil spill contributed to losses at oiled haulouts in the sound.

Alaska Species Now Extinct

Not all species are as fortunate as the arctic peregrine falcon and Aleutian Canada goose, whose numbers have increased as a result of protection provided by the Endangered Species Act. At least two species were hunted out of existence before Alaska became part of the United States and endangered species acts were passed. For these species, there is no second chance.

One such species is the spectacled cormorant, a large, nearly flightless seabird that lived on a few remote islands at the western end of the Aleutian chain. This species was first identified in 1741 by the naturalist Georg Steller, who traveled with the explorer Vitus Bering. Steller discovered the large black birds while shipwrecked on a tiny island in the western Aleutians where Bering and many of his crew died. The stranded sailors killed the slow moving and unwary cormorants for food.

Spectacled Cormorant

The population of spectacled cormorants declined quickly as whalers, fur traders and Aleut Natives (brought to Bering Island by the Russian American Company) killed the birds for food and feathers. By 1850, fewer than 100 years after Steller first saw these seabirds, the spectacled cormorant was extinct.

Another species Steller discovered is also extinct: the Steller's sea cow. Far larger than the largest male walrus, Steller's sea cows measured up to 25 feet long and 22 feet around. A single animal weighed up to 8,800 pounds. They had two stout forelimbs and a whalelike tail.

Steller's Sea Cow

Some scientists think the entire population of sea cows was fewer than 2,000 when Steller first described the giant creatures. This small population was wiped out quickly by the sailors, seal hunters, and fur traders that followed Vitus Bering's route past the islands to Alaska. In 1768, just 27 years after Steller had first seen the sea cow, the species was extinct.

The fate of the spectacled cormorant and the Steller's sea cow illustrates the importance of the Endangered Species Act. Without the steadfast commitment to species protection embodied in the act and aggressive protection programs, entire species can disappear when the needs of people come face to face with the needs of individual species.

Alaska's Nonendangered Species

Excluding marine species, Alaska has the shortest list of endangered and threatened species of all the states. Many species that are rare, endangered, or have been extirpated elsewhere in the United States are thriving in Alaska. For example, the grizzly (or brown) bear was once common throughout the western United States. Today threatened populations persist only in remote areas of Idaho, Montana, Wyoming, and Washington. In contrast, Alaska has a healthy population of approximately 31,000 grizzly bears.

© ADF&G, John Hyde

The **gray (or timber) wolf** was once among the most widespread mammals in North America. As civilization pushed westward and the wilderness was tamed, habitat loss and conflicts with livestock interests led to the extermination of wolves in most states. Today the wolf survives as an endangered species in only a handful of states; however, an estimated 7,500 wolves populate Alaska—from the most remote wilderness regions to the suburbs of our largest cities.

Although the **bald eagle** is well on its way to recovery, this uniquely American bird is still classified as threatened or endangered in 48 states. Today, of the estimated 50,000 bald eagles found in the United States, approximately 80 percent soar in Alaska skies.

While Alaska was a Russian possession, **sea otters** were aggressively exploited for their superior fur—possibly the finest in the world. The Russian czar sold Alaska to the United States when sea otter populations crashed and the fur industry was no longer profitable. Today, sea otters are still threatened in California, Oregon and Washington, but this "Old Man of the Sea" has made a dramatic recovery in Alaska and now numbers nearly 150,000.

Caribou once inhabited most of the states along the Canadian border. About two dozen animals, a single small band that ranges into the Idaho panhandle and northeastern Washington from Canada, are all that remain in the contiguous United States. Nearly one million of these northern nomads, in twenty-five recognized herds, migrate across Alaska and easily outnumber the state's human population.

When it comes to preserving its plants and animals, Alaska's advantage over the rest of the country—indeed, over most of the world—has been the state's remoteness and isolation. Alaska was still a scarcely populated Russian territory when many wildlife species elsewhere were hunted to extinction or lost due to industrial and agricultural development and a lack of knowledge about habitat requirements, ecological relationships, and scientifically-based wildlife management. Thanks to advances in science and more enlightened attitudes toward the natural world, modern-day Alaskans have avoided many mistakes of the past.

The Benefits of Acting Early to Prevent Declines

The U.S. Endangered Species Act of 1973 stands as one of the world's landmark conservation laws. One well-known example is the recovery of the bald eagle. In general, however, endangered species management has been a high-cost, last-resort approach to conservation. Few of the species listed as threatened or endangered have recovered to the point of removal from the list. Clearly, the time for cost-effective conservation measures is while wildlife and their habitats are still common, ***not after*** they have become significantly reduced or isolated.

Biologists attach a radio collar to a brown bear on Admiralty Island to monitor its habitat use and reproduction

Habitat loss and habitat fragmentation (the breaking up of habitat into small, unconnected pieces) are two of the most significant causes of species extinctions throughout the world today. As local populations within a species decline in number and become separated from one another, species become more vulnerable to extinction, and recovery becomes increasingly difficult and costly. Another important cause of extinction, particularly on islands, is the introduction of exotic species, which often prey on or outcompete native species.

Prevention is the best strategy for endangered species management. Early detection of species at risk provides managers with more options and greater flexibility in designing and conducting successful recovery programs. Quick action and flexibility also reduce the need for costly crisis management and its potential for adversely affecting human activities and disrupting local or regional economies.

Unlike most of the world, Alaska's ecosystems still remain largely intact with little loss or fragmentation of habitat. An early warning system, emphasis on habitat protection, and an ecosystem perspective on natural resource management will strengthen our ability to maintain healthy populations of Alaska's native species and minimize the need for costly reactive management. Close evaluation and monitoring of federal candidate and sensitive species and identification of state species of special concern offer wildlife managers a good opportunity for heading off future problems before they reach crisis proportions.

Alaska's biological diversity—the abundance and variety of plants, animals, habitats, and the ecological relationships that connect them—are essential to Alaska's economic well-being and people's quality of life. Effective conservation in Alaska will require long-term planning and cooperation among wildlife managers, land management agencies, and resource users. The old adage "an ounce of prevention is worth a pound of cure" is clearly an appropriate model for conserving Alaska's rich biological diversity.

How You Can Help Protect Endangered Species

Learn more about threatened and endangered species.

Contact your local U.S. Fish and Wildlife Service or state Department of Fish and Game office for a list and description of the threatened and endangered species that inhabit your area.

Volunteer with your local wildlife agency.

Does bird banding interest you? Helping to search for a rare plant? Counting seabirds from a boat? All these activities and more use the services of volunteers. Contact your local state and federal wildlife offices for opportunities to volunteer.

Raise money for threatened and endangered species.

There are many groups whose efforts go toward saving threatened and endangered species. What are the agencies and environmental groups in your area doing, and would fundraising help them meet their goals?

Reduce, reuse, recycle!

By the year 2000, the world population will be at nearly 6 billion. The demand on the planet to provide our raw materials and services will only continue to increase. Wise use of our natural resources will take some of the burden off habitats that may be suffering from destruction caused by industrial development or population growth.

Obey signs in parks and refuges.

When you see signs that an area is closed or access is restricted, realize the signs are there for a reason! The area may need to recover from heavy use or a threatened or endangered species in the area may need special protection.

Report harassment of protected species.

Harassing wildlife is cruel and illegal. Shooting, trapping, or forcing a threatened or endangered animal into captivity is also illegal and can contribute to its extinction. Don't participate in these activities. Report violations to your local state or federal wildlife enforcement office.

For more information on Alaska's threatened and endangered species, contact one of the following agencies:

U.S. Fish and Wildlife Service
Division of Endangered Species
1011 E. Tudor Road
Anchorage, AK 99503-6199

National Marine Fisheries Service
Protected Resources
Management Division
P.O. Box 21668
Juneau, Alaska 99802-1668

Alaska Department of Fish and Game
Division of Wildlife Conservation
P.O. Box 25526
Juneau, AK 99802-5526

"To keep every cog and wheel is the first precaution of intelligent tinkering."

—Aldo Leopold

The last documented sighting of an Eskimo Curlew in Alaska was in 1886.

"When man interferes with the Tao
the sky becomes filthy,
the equilibrium crumbles,
creatures become extinct."

— Lao Tzu
Tao Te Ching
About 500 BC

HJR

59

FISCAL NOTE

STATE OF ALASKA
1996 LEGISL[illegible] SESSION

BILL NO. CS HJR 59 (RES)

Dept. Affected: Legislature
BRU: All

Title: Requesting US EPA to issue NPDES permit for Cook Inlet Oil & Gas operations

Sponsor: Rep. Green

Components:

Requestor: House Resources

Serial #

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services	00	00	00	00	00	00
Travel	00	00	00	00	00	00
Contractual	00	00	00	00	00	00
Supplies	00	00	00	00	00	00
Equipment	00	00	00	00	00	00
Land & Structures	00	00	00	00	00	00
Grants, Claims	00	00	00	00	00	00
Miscellaneous	00	00	00	00	00	00
TOTAL OPERATING	00	00	00	00	00	00
CAPITAL	00	00	00	00	00	00
REVENUE	00	00	00	00	00	00

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	00	00	00	00	00	00
Federal Fund	00	00	00	00	00	00
Other	00	00	00	00	00	00
TOTAL	00	00	00	00	00	00

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: Jeffrey Logan
House Resources Committee

Date: 21-FEB-96
Phone: 465-6587
Phone:

PAGE _____ OF _____

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 59(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GREEN, Rokeberg

A RESOLUTION

Respectfully requesting the Environmental Protection Agency to issue a final National Pollutant Discharge Elimination System permit for Cook Inlet oil and gas operations that omits the incremental permittee monitoring and reporting obligations identified in the Agency's draft permit and, consistent with the philosophy of the Agency's 1996 National Water Program Agenda, allows the permittees to operate under pollutant discharge monitoring and reporting requirements that are not more rigorous than those requirements of the Cook Inlet National Pollutant Discharge Elimination System permit in place.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, under the federal Clean Water Act, the principal mechanism for regulating and limiting pollutant discharge into water of the United States is the National Pollutant Discharge Elimination System (NPDES) permit program; and

WHEREAS, under the monitoring and reporting requirements imposed as part of an NPDES permit, the unit having responsibility for the Clean Water Act, the Environmental

Protection Agency, may require one or more parties who are responsible for pollutant discharge to install and use equipment to monitor the discharge, develop and maintain records and reports, and provide information to it as may be required under the Agency permit; and

WHEREAS the Environmental Protection Agency has determined in its 1996 National Water Program Agenda to reduce permittee monitoring and reporting requirements, with the objective of diminishing monitoring and reporting obligations imposed on permittees by about 25 percent; and

WHEREAS, the oil and gas industry has operated successfully in Cook Inlet for 30 years, coexisting throughout these decades with one of the state's most productive salmon fisheries; the industry operates in maturing fields that are at, or very close to becoming, uneconomic to produce; and

WHEREAS the Environmental Protection Agency has issued a draft general NPDES permit for Cook Inlet oil and gas operations; and

WHEREAS, despite the reduced monitoring and reporting initiative announced in its 1996 National Water Program Agenda, the draft permit for Cook Inlet operations proposes a substantial increase in the monitoring and reporting requirements to be imposed by the two agencies on the permittees; and

WHEREAS public comment on the proposed NPDES permit overwhelmingly endorses the Cook Inlet oil and gas industry permittees' ability to continue to operate under requirements of the permit in place, and supports eliminating provisions in the draft permit imposing an obligation on the permittees to increase monitoring and reporting requirements; and

WHEREAS the Alaska Department of Environmental Conservation supports many of the permittees' recommendations to reduce excessive monitoring and reporting requirements; and

WHEREAS recent scientific studies evaluating the quality of the water and other resources of Cook Inlet determined that there has been no adverse environmental impact in the inlet from the three decades of oil and gas operations; and

WHEREAS the Cook Inlet oil and gas industry's history of successful coexistence with a productive fishery combined with the results of these recent studies together demonstrate that the Agency's draft NPDES permit requiring the permittees to incur substantial additional

expense associated with the increased monitoring and reporting requirements identified in the draft NPDES permit is unwarranted, nor is the increased effort supported by public testimony;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the Environmental Protection Agency to issue a final National Pollutant Discharge Elimination System permit for Cook Inlet oil and gas operations that

(1) omits the incremental permittee monitoring and reporting obligations identified in the draft permit; and

(2) consistent with the philosophy of the Agency's 1996 National Water Program Agenda, allows the permittees either to operate under pollutant discharge monitoring and reporting requirements that are consistent with the Agency's national objective of diminishing monitoring and reporting obligations generally to be imposed on permittees, or to operate under pollutant discharge monitoring and reporting requirements that are not more rigorous than those requirements of the Cook Inlet NPDES permit in place.

COPIES of this resolution shall be sent to the Honorable Carol M. Browner, Administrator, Environmental Protection Agency; to Michele Brown, commissioner of environmental conservation; to the Honorable Don Gilman, Mayor of the Kenai Peninsula Borough; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/18/96 FURTHER:

DATE TURNED INTO OFFICE: 3-29-96

The Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 59(RES)

Relating to issuance of a NPDES permit for Cook Inlet oil and gas operations.

and recommends:

[ ] be replaced with SEN CS HJR 59 (RES)

[ ] adopt previous ____ CS ____ ( )

[ ] attached amendment(s)

[ ] adopt Letter of Intent by ____ Committee

[ ] further referral to the ____ Committee

Senate Bill:
[ ] same title
[ ] new title

House Bill:
[ ] same title
[ ] technical title
[ ] new: SCR*____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
Taylor	✓				
Pearce	✓				
CHAIR: Drew	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
Legislature	2/1/96	✓	

Is for CS, also

[ ] **APPROPRIATION** -- no fiscal note

*Include fiscal notes accompanying Governor's bill

CS FOR HOUSE JOINT RESOLUTION NO. 59(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 2/28/96
Referred: Rules

Sponsor(s): REPRESENTATIVES GREEN, Rokeberg

A RESOLUTION

Respectfully requesting the Environmental Protection Agency to issue a final National Pollutant Discharge Elimination System permit for Cook Inlet oil and gas operations that omits the incremental permittee monitoring and reporting obligations identified in the Agency's draft permit and, consistent with the philosophy of the Agency's 1996 National Water Program Agenda, allows the permittees to operate under pollutant discharge monitoring and reporting requirements that are not more rigorous than those requirements of the Cook Inlet National Pollutant Discharge Elimination System permit in place.

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WHEREAS, under the monitoring and reporting requirements imposed as part of an NPDES permit, the unit having responsibility for the Clean Water Act, the Environmental

Protection Agency, may require one or more parties who are responsible for pollutant discharge to install and use equipment to monitor the discharge, develop and maintain records and reports, and provide information to it as may be required under the Agency permit; and

WHEREAS the Environmental Protection Agency has determined in its 1996 National Water Program Agenda to reduce permittee monitoring and reporting requirements, with the objective of diminishing monitoring and reporting obligations imposed on permittees by about 25 percent; and

WHEREAS, the oil and gas industry has operated successfully in Cook Inlet for 30 years, coexisting throughout these decades with one of the state's most productive salmon fisheries; the industry operates in maturing fields that are at, or very close to becoming, uneconomic to produce; and

WHEREAS the Environmental Protection Agency, in conjunction with the Alaska Department of Environmental Conservation, has issued a draft general NPDES permit for Cook Inlet oil and gas operations; and

WHEREAS, despite the reduced monitoring and reporting initiative announced in its 1996 National Water Program Agenda, the draft permit for Cook Inlet operations proposes a substantial increase in the monitoring and reporting requirements to be imposed by the two agencies on the permittees; and

WHEREAS public comment on the proposed NPDES permit overwhelmingly endorses the Cook Inlet oil and gas industry permittees' ability to continue to operate under requirements of the permit in place, and supports eliminating provisions in the draft permit imposing an obligation on the permittees to increase monitoring and reporting requirements; and

WHEREAS recent scientific studies evaluating the quality of the water and other resources of Cook Inlet determined that there has been no adverse environmental impact in the inlet from the three decades of oil and gas operations; and

WHEREAS the Cook Inlet oil and gas industry's history of successful coexistence with a productive fishery combined with the results of these recent studies together demonstrate that the Agency's draft NPDES permit requiring the permittees to incur substantial additional expense associated with the increased monitoring and reporting requirements identified in the draft NPDES permit is unwarranted, nor is the increased effort

supported by public testimony;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the Environmental Protection Agency to issue a final National Pollutant Discharge Elimination System permit for Cook Inlet oil and gas operations that

(1) omits the incremental permittee monitoring and reporting obligations identified in the draft permit; and

(2) consistent with the philosophy of the Agency's 1996 National Water Program Agenda, allows the permittees either to operate under pollutant discharge monitoring and reporting requirements that are consistent with the Agency's national objective of diminishing monitoring and reporting obligations generally to be imposed on permittees, or to operate under pollutant discharge monitoring and reporting requirements that are not more rigorous than those requirements of the Cook Inlet NPDES permit in place.

COPIES of this resolution shall be sent to the Honorable Carol M. Browner, Administrator, Environmental Protection Agency; to Michele Brown, commissioner of environmental conservation; to the Honorable Don Gilman, Mayor of the Kenai Peninsula Borough; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

DEC supports the change

Whereas DEC has supported many of these recommendations

to reduce unnecessary reporting

Alaska State Legislature

Senate Resources Committee

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: Senator Pearce, Vice Chairman
Senator Frank
Senator Halford
Senator Taylor
Senator Hoffman
Senator Lincoln

FROM: Senate Resources Committee Staff

DATE: March 28, 1996

RE: Amendment to HJR 59 - NPDES Permit for Cook Inlet Oil & Gas

---

Attached is the amendment to HJR 59 adopted in concept by the committee at yesterday's hearing on HJR 59. Please let Chairman Leman know if this is not your understanding of the conceptual amendment.

Senator Leman, Mr. Verrelli of DEC and sponsor, Representative Green have each seen and approved of the amendment.

Also attached is a copy of DEC's comments on the draft NPDES Permit for Cook Inlet operators, as requested by committee members.

Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: Legal Services
via fax: X2029 this page only

FROM: Annette Kreitzer, Aide to
Senate Resources Committee

DATE: March 28, 1996

RE: CS HJR 59 (RES)

Please prepare a Resources Committee Substitute for HJR 59 incorporating the following amendment which was adopted by the committee March 27:

Page 2, Lines 12-13:
After "Agency," DELETE
[IN CONJUNCTION WITH THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION,]

Page 2, Line 24:
Insert:
WHEREAS the Alaska Department of Environmental Conservation supports many of the permittees' recommendations to reduce excessive monitoring and reporting requirements; and

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 4

To Len	From Mike Conway
Co.	Co.
Dept.	Phone #
Fax #	Fax #

DEPT. OF ENVIRONMENTAL CONSE

Division of Air and Water Quality
Industrial Operations
555 Cordova St.
Anchorage, AK 99501

Phone: (907)269-7500
Fax: (907)269-7652
TTY: (907)269-7511

January 29, 1996

Ms. Laurie Mann
USEPA/Region X, Section OW-134
1200 Sixth Ave.
Seattle, WA 98101

Dear Ms. Mann:

Subject: ADEC Comments on Public Notice Draft of Cook Inlet Oil & Gas Operators, NPDES General Permit No. AKG-285100, ADEC File No. 2300.45.0006

The Alaska Department of Environmental Conservation has reviewed the subject draft permit and has the following comments.

GENERAL COMMENTS

1. The permit should carry a definition for the term "suspended particulate phase", which is abbreviated as SPP. This term designates the units used to measure the toxicity of the drilling muds. This is not a standard analytical technique and should be defined in the permit to eliminate any possible confusion.

2. In Part IV A. of the permit the address for reporting monitoring results to ADEC is incorrect. The correct address is as follows.

   Alaska Department of Environmental Conservation
   ATTN: Major Facilities and Water Permits Section
   555 Cordova Street
   Anchorage, AK 99501

SANITARY DISCHARGE

3. For the sanitary discharge (#003), the parameter suspended solids is abbreviated as SS. This abbreviation is generally reserved for the parameter settleable solids. The standard abbreviation for suspended solids, or as the parameter is commonly designated "total suspended solids", is TSS. That is the name of the test method used to quantify that parameter. The use of the TSS abbreviation is standard practice for NPDES permits issued to municipally owned public treatment works.

The TSS abbreviation was also used in the Arctic General NPDES Permit for Oil & Gas Exploration (AKG-284200) issued in 1995, and the ARCO Oil and Gas Exploration Permit (AK-0052051) issued in 1993. If this change in abbreviations is made it must be carried throughout the permit and fact sheet.

4. In the draft permit there is a numerical limitation of 45 mg/l applied to the parameters BOD_5 and SS as a weekly average. Footnote #8 goes on to state "Each weekly sampling value will then be subject to both the daily maximum and the weekly average criteria." Since the frequency of monitoring is weekly, the ADEC does not believe that the result of a single sampling event should have an average criterion applied to it, but should be considered an instantaneous value, with the daily maximum criterion applied as the appropriate numerical limitation. This is the method generally used by the ADEC when issuing wastewater disposal permits under State authority, the numerical criterion applied is dependent on the sampling frequency. This change would make the Cook Inlet General NPDES Permit consistent with the Arctic General NPDES Permit certified by the State, and issued be the EPA earlier this year.

5. The ADEC would recommend, for state waters only, that the requirement to maintain a 1 mg/l minimum for chlorine residual be dropped. The elimination of this requirement would apply to those facilities with biological treatments units and use chlorine for disinfection. The ADEC would prefer that chlorination of the sanitary effluent discharge cease, thereby eliminating where unnecessary the release of this toxic compound. There is no known or perceived public health threat if the sanitary waste from the platforms is not disinfected. All discharge locations on the platforms are below the surface and of very low volumes. The platforms with biological treatment plants could simply cease disinfection. In addition, all facilities would need to sample for fecal coliform bacteria and report the results on their discharge monitoring reports (DMRs). This monitoring requirement would replace the chlorine residual requirement. During the next permit cycle ADEC would authorize mixing zones for the fecal coliform constituent in the facility's discharge based on the reported data. A sampling frequency of once per month is recommended, this would provide an adequate database upon which to determine mixing zones.

6. Footnote #1, "any facility using a marine sanitation device (MSD).....", should be applied to all the parameters listed and not just "floating solids". In other words, footnote #1 should appear where footnote #3 currently appears in the draft permit. In fact, footnotes #1 & 3 can be combined as they are in the Arctic General NPDES Permit. The operation of MSDs is currently regulated under Section 312 of the Clean Water Act by the U.S. Coast Guard, and no additional requirements should be placed on these treatment units in the permit. This change would make

the Cook Inlet General NPDES Permit consistent with the Arctic General NPDES Permit certified by the State and issued be the EPA earlier this year. This change would eliminate the need for the separate line item for the MSD monitoring requirements.

PRODUCED WATER DISCHARGE

7. For the produced water discharge (#015), the ADEC believes that the monitoring schedule contained in the draft permit is excessive, and not justified. Sampling frequency for the parameters oil & grease, pH, copper, arsenic, zinc, Total Aromatic Hydrocarbons, and Total Aqueous Hydrocarbons are on a weekly basis. The ADEC does not believe that this intensive monitoring level is necessary.

   The quality of produced water with respect to hydrocarbon content has been demonstrated to be fairly consistent over a six year period, based on a comparison of 1989 and 1995 data. The treatment processes used by industry to treat the produced water, flotation in the current permit and gas enhanced flotation in the proposed permit, are simple physical processes and not subject to wide treatment fluctuations, as would be the case for a biological process. Therefore, it is not expected that the effluent will demonstrate significant variability. The ADEC recommends that the monitoring frequency be reduced from weekly to monthly. this frequency should be sufficient to demonstrate compliance with permit limitations.

   An alternative for determining the monitoring frequency would be to structure the frequency based on flow volume from the facility. Facilities with discharges of over 1 mgd, would sample on a monthly basis, and facilities with discharge volumes of less than 1 mgd could sample on a quarterly basis.

8. The monitoring frequency for the parameter Whole Effluent Toxicity is monthly in the draft permit. This frequency is again excessive. The ADEC would recommend a more appropriate frequency as quarterly for the reasons stated above. Alternatively, a two tier structure as described above could be applied to the individual facilities, with facilities discharging over 1 mgd sampling monthly and facilities discharging less than 1 mgd sampling quarterly.

   Another alternative would be to structure the permit with an initial intensive monitoring schedule for WET, that could be relaxed after two years if the facilities demonstrate a record of compliance. This technique is often employed in wastewater disposal permits issued under State authority.

9. Footnote #2 requires monthly monitoring of heavy metals during the first year the permit is in effect, for those facilities that do not already have specific numerical limitations. It appears that this requirement is intended for data collection purposes only. If that is the case, it might be more usefully to collect this data during the last, or fifth year of the permit, so that it can be utilized during the next permit cycle. Delaying till the last year of the permit would provide more current data when the permit is reissued.

The ADEC appreciates the opportunity to comment on the draft general permit and hopes that the EPA will give due consideration to our comments.

Sincerely,

Robert Dolan

Robert Dolan
Environmental Engineer

RD/jcb G:\EQ-CLER\RDOLAN\COOK COM.LET

cc: Kenwyn George, ADEC/Juneau
Andy Cline, Shell Western
Les Buchholz, ADEC/KDO
Alice Bullington, Unocal
Pete McGee, ADEC/Fairbanks
Steve Freemyer, Phillips Petroleum
Valerie Hancy, EPA/Anchorage
Stephanie Olson, Marathon
Judy Kitagawa, ADEC/Valdez
Steve Koteff, Trustees of Alaska

Alaska State Legislature

Official Business

State Capitol
Juneau AK 99801

MEMO

TO: Legal Services
via fax: X2029 this page only

FROM: Annette Kreitzer, Aide to
Senate Resources Committee

DATE: March 28, 1996

RE: CS HJR 59 (RES)

Please prepare a Resources Committee Substitute for HJR 59 incorporating the following amendment which was adopted by the committee March 27:

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After "Agency," DELETE
[IN CONJUNCTION WITH THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION,]

Page 2, Line 24:
Insert:
WHEREAS the Alaska Department of Environmental Conservation has supported many of the permittee's recommendations to reduce unnecessary, unscientific monitoring and reporting requirements; and

explosive -Len Vanelli

Protection Agency, may require one or more parties who are responsible for pollutant discharge to install and use equipment to monitor the discharge, develop and maintain records and reports, and provide information to it as may be required under the Agency permit; and

WHEREAS the Environmental Protection Agency has determined in its 1996 National Water Program Agenda to reduce permittee monitoring and reporting requirements, with the objective of diminishing monitoring and reporting obligations imposed on permittees by about 25 percent; and

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WHEREAS the Environmental Protection Agency, in conjunction with the Alaska Department of Environmental Conservation, has issued a draft general NPDES permit for Cook Inlet oil and gas operations; and

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WHEREAS the Cook Inlet oil and gas industry's history of successful coexistence with a productive fishery combined with the results of these recent studies together demonstrate that the Agency's draft NPDES permit requiring the permittees to incur substantial additional expense associated with the increased monitoring and reporting requirements identified in the draft NPDES permit is unwarranted, nor is the increased effort

Alaska State Legislature

WHILE IN SESSION
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(907) 465-4316 FAX

INTERIM ADDRESS
716 WEST 4TH AVENUE
ANCHORAGE ALASKA 99501
(907) 258-8198
(907) 258-8171 FAX

CO-CHAIR RESOURCES COMMITTEE
VICE CHAIR JUDICIARY COMMITTEE
MEMBER STATE AFFAIRS COMMITTEE

FINANCE SUBCOMMITTEES
DEPT OF NATURAL RESOURCES
DEPT OF COMMERCE & ECONOMIC DEVELOPMENT
DEPT OF ENVIRONMENTAL CONSERVATION

Representative Joe Green

District 19

Sponsor Statement

HJR 59 - Supporting the Cook Inlet NPDES Permit

HJR 59 puts the Alaska Legislature on record supporting the re-issuance of the National Pollutant Discharge Elimination System (NPDES) permit for Cook Inlet oil operations.

The oil and gas industry has operated in Cook Inlet for over 30 years, coexisting with one of the state's most productive salmon fisheries. Despite this record of success, the US Environmental Protection Agency (EPA) has stipulated monitoring and reporting requirements beyond those required for the current permit. These new requirements have been added by EPA, even though the agency's own National Water Program Agenda calls for reduced monitoring and reporting requirements.

HJR 59 resolves that the NPDES permits be issued without new monitoring and reporting requirements.

February 21, 1996

TO: Jeff Logan, Staff for Joe Green
FROM: Pamela Miller, Greenpeace
RE: Materials for Hearing on HJR 59

Here is a copy of an open letter I sent to the Kenai Peninsula delegation concerning the NPDES permit for oil and gas discharges in Cook Inlet. Also attached is a report from Dr. Robert Howarth of Cornell University who reviewed the draft permit and associated documents. Please attach these to the legislators information packets concerning HJR 59. Thank you

Have you recieved any information on whether we can testify by teleconference for the hearing on Friday? I appreciate that you contacted me to inform me of the opportunity to testify.

Sincerely,

Pamela Miller

Pamela Miller

Your letter was irresponsible in light of the deep concerns of local citizens, especially Native communities (see letter attached from the Indigenous People's Council for Marine Mammals). I urge you to reconsider your opinion and write to EPA asking that the oil industry be required to meet zero discharge standards. Zero discharge is the norm for the oil and gas industry throughout the country -- it is not an undue technological or economic burden. Industry has greatly exaggerated the potential economic impacts of zero discharge in Cook Inlet (see attached comments). An economist, Dr. Thomas Goerold, who reviewed the permit concluded: "I believe that EPA has underestimated the future profitability of the petroleum operations in this region and overestimated the likelihood of the shutting-in of existing and currently planned platforms."

Thank you for your consideration of my comments. I would welcome an opportunity to discuss this issue further.

Sincerely,

Pam Miller

Pamela K. Miller
Researcher
Community Toxics Investigative and Advocacy Project

cc:
Peninsula Clarion
Homer News
Homer Tribune
Anchorage Daily News